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VOL VI.

TAXES—WRECK.

ADDENDA AND INDEX.



OF THE EXETER DISTRICT COURT OF BANKRUPTCY;

THE REST OF THE WORK

BY THOMAS CHITTY, Esq.,

OF THE INNER TEMPLE.

IN SIX VOLUMES.

VOL. VI.

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of ordinary revenues and extraordinary resources. The ordinary revenues are either annual or permanent. The permanent ordinary taxes now levied are the customs, excise, stamps, land tax, assessed taxes, postage duties, and other articles of trifling amount, such as licences to hawkers, hackney coaches, pawnbrokers, &c. ; a considerable annual revenue is also derived from the Post-office. As one of the extraordinary resources, a tax on income, or the profits of property, has frequently been imposed. It was first introduced under the title of a tax on income, and regulated by the 38 Geo. III. c. 16 ; 39 Geo. III. c. 13 ; 39 & 40 Geo. III. c. 49. Afterwards as a contribution on the profits of property, under the 43 Geo. III. c. 42 ; 43 Geo. III. c. 122 ; 45 Geo. III. c. 15 ; 46 Geo. III. c. 65 ; and now, until the sixth of April, 1845, by the 5 & 6 Vict. c. 35. Under these acts, prior to the 5 & 6 Vict., it was at first 5 per cent. and afterwards increased to 6½, and then to 10 per cent., or 2s. in the pound.

In the preceding parts of this work, the taxes called duties of *Excise and Customs*, *Land-Tax*, *Stage Coach Duty*, *Post-Horse Duty*, *Hawkers' Licences*, and *Stamp Duties*, have already been considered. Under the above head of *Taxes*, the other branches of revenue principally denominated *Assessed Taxes* are considered, together with the provisions relative to the commissioners of the affairs of taxes and their inferior officers, and the regulations affecting the assessment, raising, levying, and paying these taxes, and the acts relating to compositions for taxes.

Assessed Taxes now consist of the duties on *Windows* or lights, on *Servants*, *Carriages*, *Horses*, *Mules*, and *Dogs*, *Armorial Bearings*, *Game Certificates*, and other the duties transferred to the commissioners for the affairs of taxes.

Justices may act
as commis-
sioners.

Justices of peace duly qualified may act as commissioners of land-tax and assessed taxes, (7 & 8 Geo. IV. c. 75, s. 1, and 3 & 4 Will. IV. c. 95, and see 52 Geo. III. c. 95, Rule 31).

We will treat of this subject under the following general heads :—

I. The Act consolidating the Provisions relating to the Duties under the Management of the Commissioners for the Affairs of Taxes and other Officers, and other subsequent Acts relating thereto, infra.

Which provisions will be found arranged, as far as possible, under the following heads :—1. Qualifications and Powers of Commissioners. 2. Meetings of Commissioners—Appointments of Clerks and Assessors, and their Powers and Duties. 3. Appointment of Collectors and Sureties, and their Powers and Duties, and Liabilities. 4. Inspectors and Surveyors, and their Powers and Duties, and of Receivers-General. Rules and Regulations respecting Receivers-General, Collectors, and other Officers. 5. Of Surcharges and Appeals. 6. Of Distaining for Arrears of Taxes. 7. Provisions respecting the Payment of Monies in the Hands of Collectors; and when Parishes are liable for Default, and Proceedings thereupon. 8. Provisions for enforcing the Act, Penalties, Protection to Officers, &c.

II. The Acts regulating the Assessments and Collection, &c
p. 50.

Which provisions will be found arranged under the following heads :—1. Of the Appointment of Assessors, and when Collectors may act in their place. 2. Of Services of Notices. 3. Of Certificates of Assessment and Estimates. 4. Of Surcharges. 5. Rules and Directions for paying to the Receiver-General, and accounting for the Duties received by the Collectors. 6. Of the Inspectors-General.

III. The Assessed Taxes themselves, p. 69.

Which head will be found divided as follows :—1. The *Regulations* of the 43 Geo. III. c. 161, and subsequent Acts; and, 2. The several *Duties*, with the particular Rules and Exemptions affecting them.

IV. Of Compounding for Assessed Taxes, p. 160.



I. The Act consolidating the Provisions relating to the Management of the Commissioners for the Affairs of Taxes and other Officers, and other subsequent Acts relating thereto.

[43 Geo. III. c. 99; 45 Geo. III. c. 5, ss. 1 and 2; 45 Geo. III. c. 71, ss. 1 and 2; 48 Geo. III. c. 55, s. 1; 3 Geo. IV. c. 88; 1 & 2 W. IV. c. 18; 4 & 5 W. IV. c. 60; 5 & 6 W. IV. c. 20; 6 & 7 W. IV. c. 28.]

These several provisions may be arranged under the following heads, and it has been considered by the editor to be most expedient to give the statutes themselves, their provisions being arranged in an order very nearly similar to that which is here adopted.

1. *Qualifications and Powers of Commissioners.*
2. *Meetings of Commissioners—Appointment of Clerks and Assessors, and their Powers and Duties.*
3. *Appointment of Collectors and Sureties, and their Powers and Duties and Liabilities.*

and become one consolidated board of commissioners, and be called "The Commissioners of Stamps and Taxes," and it shall be lawful for his majesty, his heirs and successors, from time to time to appoint under the great seal of Great Britain and Ireland such other persons as he or they shall think fit to be commissioners of stamps and taxes, and that from henceforth all the several duties, matters, and things which at the time of the passing of this act are collected by or are under the care and management of the said commissioners of stamps and of the said commissioners for the affairs of taxes respectively shall respectively be collected by and shall be under the care and management of the commissioners of stamps and taxes, in the same manner as such duties, matters, and things respectively have heretofore been collected by or have been under the care and management of the said commissioners of stamps and of the said commissioners for the affairs of taxes respectively: provided always, that as well the said commissioners so to be appointed by his majesty, his heirs and successors, as aforesaid, as the said commissioners by this act constituted commissioners of stamps and taxes, shall respectively be and remain commissioners of stamps and taxes during the pleasure of his majesty, his heirs and successors, and no longer."

Sect. 9 enacts, "That the said commissioners of stamps and taxes, or any three or more of them, shall have, use, and exercise all such powers and authorities as are now given to or vested in or as might be used and

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1. The Act relating to Management of Commissioners. exercised by the whole or any number of the said commissioners of stamps or of the said commissioners for the affairs of taxes, under or by virtue of any act or acts in force at or immediately before the passing of this act and all such powers and authorities shall be and are hereby given to and vested in the commissioners of stamps and taxes, and any three or more of them, as fully and effectually, to all intents and purposes, as if such powers and authorities, and all clauses, regulations, provisions, penalties and forfeitures in any act or acts relating thereto respectively, were severally repeated and re-enacted in this act, and made part thereof; and all rules, orders, regulations, acts, matters, and things which shall be made or done by the said commissioners of stamps and taxes, or any three or more of them, and which by any act or acts in force at or immediately before the passing of this act are or were required or authorized to be made or done or which might be made or done by the commissioners of stamps or the commissioners for the affairs of taxes, or any three or such commissioners respectively, shall be and be deemed to be a good, valid, and effectual in the law to all intents and purposes as if made or done by the said commissioners of stamps or the said commissioners for the affairs of taxes, or any number of such commissioners respectively under or in pursuance of any such act or acts as aforesaid; and all persons shall be subject and liable to the same pains and penalties for doing or omitting to do any act, matter, or thing contrary to any rules, orders or regulations of the said commissioners of stamps and taxes, or any three or more of them, as such persons respectively would have been subject and liable to for doing or omitting to do the same acts, matters or things contrary to any rules, orders, or regulations of the commissioners of stamps or the commissioners for the affairs of taxes respectively under or by virtue of any act or acts in force at or immediately before the passing of this act: provided always, that where by any act or acts in force at or immediately before the passing of this act, any act, matter, or thing is expressly required or authorized to be done by any particular or prescribed number less than three of the said commissioners of stamps or of the said commissioners for the affairs of taxes, every such act, matter, or thing, being done by such particular or prescribed number of the commissioners of stamps and taxes, shall be good, valid, and effectual to all intents and purposes: and provided also, that all rules, orders, and regulations heretofore made by the said commissioners of stamps or the said commissioners for the affairs of taxes respectively, in force at the time of the passing of this act, and which are not altered or varied by this act, or contrary to any of the provisions thereof, shall respectively remain and continue in full force and effect until the same shall be abrogated, annulled, altered, or varied by the said commissioners of stamps and taxes."

1. QUALIFICATIONS AND POWERS OF COMMISSIONERS. (a)

Commissioners shall be qualified as commissioners of land-tax, under 38 Geo. III. c. 48 (h).

The 43 Geo. III. c. 99, s. 4, enacts, "That no person shall act as a commissioner in the execution of any act or acts before mentioned, unless such person shall be duly qualified as required by an act, passed in 38 Geo. III. c. 48, intituled 'An Act to alter and amend so much of an Act, passed in this present Session of Parliament, intituled, An Act for granting an Aid to His Majesty, by a Land-Tax to be raised in Great Britain, for the Service of the Year 1798, as relates to the Qualification of Commissioners:' provided always, that in respect of the cities, liberties, and places hereinafter mentioned, the commissioners acting within

(a) By 43 Geo. III. c. 161, s. 6, it is enacted, that commissioners of land-tax qualified as under 38 Geo. III. c. 5, and by s. 8, that commissioners, &c. under 43 Geo. III. c. 99 & 150, should be

commissioners, &c. for executing the 43 Geo. III. c. 161.

(b) All justices of the peace, duly qualified, may act as commissioners of land-tax (see 45 Geo. III. c. 48).

1. *The Act relating to Management of Commissioners.*

45 Geo. III. c. 99.

Penalty on acting without being qualified, &c., 200l.

Commissioners interested shall have no voice in controversies.

Penalty 50l.

Commissioner may act for any part of the county for which he is appointed.

Warrants of service may be executed in any part of a county, riding, &c.

Benchers may act as commissioners for the Inns of court, and officers acting in the execution of the land-tax may act as commissioners for Whitehall and St. James's.

Persons appointed commissioners for Middlesex, &c., may act as such for St. Clement Danes.

Two of the commissioners may indorse remittances by bills, and do any other acts required of commissioners of taxes.

any part whereof shall be situate within any other part of the bills of mortality, or in or for the parish of Saint Mary-le-Bone, or Saint Pancras, before he shall have taken such oath as herein is directed, or without being qualified as herein is required, or without being an inhabitant in the same district for which he shall act as a commissioner, he shall forfeit for every such offence the sum of 200l.; which oath shall be subscribed by the party taking the same, and their names transmitted to the office for taxes."

Sect. 8. "That in case of any controversy arising between such commissioners, in any matter or thing touching the execution of any act before mentioned, in which any commissioner or commissioners shall be interested in his or their own right, or concerned in the controversy in the right of any person for whom they shall act as steward, agent, attorney, or solicitor, the commissioner or commissioners so interested or concerned shall have no voice, but shall withdraw during the debate of such controversy, until it shall have been determined by the rest of the commissioners, on pain that every commissioner who shall so act in any matter or thing in which he or they is or are interested or concerned aforesaid shall forfeit and pay the sum of 50l."

Sect. 34. "That nothing herein contained shall be construed to restrain the said commissioners, or any of them, from acting as commissioners in any part of the county, riding, division, or place, for which they are appointed; and that all warrants and precepts of the said commissioners shall and may be executed by the respective persons to whom the same are directed, in any part of the same county, riding, division, or place for which they are appointed."

By 45 Geo. III. c. 5, s. 1, "That the said acts shall not be construed to restrain any bENCHER of any of the INNS OF COURT from acting as such commissioner for such inn of court, and the inns belonging thereto, whether of law or equity; nor any of the OFFICERS who, by virtue of their OFFICES, have heretofore acted in the execution of the LAND-TAX ACT, from acting as such commissioner in the LIBERTY OF THE PALACES OF WHITEHALL AND SAINT JAMES'S; and no other qualification shall be required of any such bENCHER or OFFICER aforesaid than the possession of such places or OFFICES respectively, and who respectively shall and may act therein, although they shall not be resident within the district for which they shall act.

Sect. 2. "That persons residing in either of the parishes of SAINT CLEMENT DANES, SAINT MARY-LE-STRAND, or SAINT JOHN THE BAPTIST, in the LIBERTY OF THE SAVOY, parts thereof being situate in the COUNTY OF MIDDLESEX, and other parts in the CITY and LIBERTY OF WESTMINSTER, being specially named and appointed commissioners for the said COUNTY OF MIDDLESEX, or for the said CITY and LIBERTY OF WESTMINSTER, and being duly qualified as directed by the said first mentioned act, may act as such commissioners for any or all of the DIVISIONS OR DISTRICTS within the said parishes or any of them; anything in the said first mentioned act contained to the contrary notwithstanding."

By 1 & 2 WILL. IV. c. 18, s. 6, "That all bills or securities drawn for or on account of the TAXES, RATES, and DUTIES aforesaid, or any of them, payable to the ORDER OF THE COMMISSIONERS FOR THE AFFAIRS OF TAXES, and remitted either to the said commissioners or to their office, or to the said RECEIVER-GENERAL FOR THE LONDON DISTRICT, shall and may be indorsed by any two of such commissioners; and all other acts, matters, and things whatsoever by this act, or by any act in force relating to the said TAXES, RATES, and DUTIES, or any of them, which the commissioners for the affairs of TAXES are authorized or required to do, execute, or perform, shall and may be done, executed, and performed by any two of such commissioners, any act or acts of parliament, law, usage, or custom to the contrary thereof notwithstanding."

1. The Act relating to Management of Commissioners. so as aforesaid prefixed for their appearance, such assessors shall return the names of two or more able and sufficient persons, within the bounds or limits of those parishes or places for which they shall be assessors respectively, to the said commissioners, to be by them appointed collectors of the several duties to be raised and assessed by them as such commissioners."

43 Geo. III. c. 99. And see sect. 17, *post*, 12; and sect. 32, *post*, 28.

Assessors shall take oaths, &c., under 1 W. & M. sess. 1, c. 8, or c. 18. (a)

43 Geo. III. c. 99.

Sect. 10. "That every person to be appointed such assessor, shall, before he shall take upon him the execution of the said employment, take the oaths mentioned and required to be taken by an act, made in the parliament held in the first year of the reign of king William and queen Mary, intituled 'An Act for abrogating the Oaths of Allegiance and Supremacy, and appointing other Oaths;' or, being one of the people called Quakers, may make and subscribe the declaration of fidelity prescribed by an act, made in the first year of the reign of King William and Queen Mary, intituled 'An Act for exempting their Majesty's* Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws;' which oaths or affirmations any one or more of the commissioners by whom such assessors shall be appointed, who shall themselves have taken the oaths required by this act to be taken by commissioners, have hereby power, and are hereby required to administer, as also all and every such other oaths or affirmations, as are by this act, or any act or acts relating to duties to be assessed under the regulations of this act, required or allowed to be taken before such commissioners, by any officer or person whatever, in any matter or thing touching the execution of this act, or any act or acts granting the said duties as aforesaid."

* Sic in act.

Commissioners may administer oaths under this act.

Before acting, assessors shall also take oath in schedule (B.).

Penalty 50l.

Assessors shall annually deliver assessments on or before June 5.

Commissioners shall sign the assessment, and three duplicates thereof, and deliver one to the assessors, with warrants for collecting the same; another to the surveyor.

Sect. 11. "That every person to be appointed such assessor, shall, and he is hereby required also to take the *oath* (a), or, being one of the people called Quakers, to make and subscribe the solemn affirmation, before the commissioners for executing this act, in the form set forth in the schedule to this act annexed (marked B.); and if any person, to be appointed assessor as aforesaid, shall presume to act in the office or employment of an assessor, before he shall have taken the said oath or affirmation (as the case shall require), he shall forfeit and pay, for every such offence, the sum of 50l."

Sect. 12. "That in all cases the assessors so to be appointed as aforesaid, shall, from time to time, make and deliver in writing their certificates of assessments of all the duties given to them in charge as aforesaid, unto the respective commissioners, or any two or more of them, on or before the fifth day of June yearly, or as soon after as conveniently can be done; and the commissioners to whom such assessments shall be so delivered, or any two or more of them, shall forthwith set their hands to the said respective assessments, testifying their allowance of the same; and the said commissioners, or any two or more of them, are hereby required to sign and seal three duplicates of the said assessments, to be prepared by their clerk, and forthwith to nominate and appoint two of the persons named or presented in each of such assessments to be collectors, or any other two such persons as such commissioners are hereby authorized to appoint, for the respective divisions and places for which collectors shall be so presented (b), and to deliver, or cause to be delivered, one of the said duplicates of such assessments, so by the said commissioners allowed, together with warrants under the hands and seals of two or more of the said commissioners for collecting the same, unto the respective

(a) But now a declaration is substituted for the oath, by 5 & 6 Will. IV. c. 62; see title "*Oath*."

(b) The insertion of the name of a

person as collector of the assessed taxes, in the warrants of the commissioners, is not a sufficient appointment to that office. (*R. v. Radley, Forrest*, 150.)

1. *The Act relating to Management of Commissioners.* said commissioners, or any two or more of them, are hereby authorized and empowered to take, by a joint and several bond, with two sureties at the least (a), to and in the names of any two or more of such commis-

43 Geo. III. c. 99.

(a) But a bond with one surety only is valid. (See *Pepdin v. Cooper*, 2 B. & A. 431.) In the same case, it was held, that the due collection of the rates for one year was a compliance with the condition of the bond, under the particular terms of such bond. And although it appeared, from the condition of the bond, that H. A. and G. P. were both appointed collectors, it was held that such bond, being for the due collection by H. A. only, might be put in suit against the surety, without first selling the goods of G. P.

A joint collector of taxes is liable for any deficiency in the collection for the year, in the amount received by his co-adjutor, although he has not himself collected during the time, and although his appointment may not have been quite formal, if he has in any manner acknowledged his appointment, or acted or received a share of the poundage at any time. And the court will set *insuper* on him, although a re-assessment has been made on the parish, and the amount of the deficiency collected, and paid over to the receiver-general. And if he should have procured a rule to be made absolute for discharging a former *insuper*, and for the restoration of the money levied under it by *distringas*, without having served the order nisi on the parish, the court discharging such a rule, will do so, with costs. (In the matter of *insupers* set upon *John Bromley and William Baylies, joint collectors of taxes for the parish of Welford*, 5 Price, 5.)

See, also, *In re Moorly*, 5 Price, 5.

By 43 Geo. III. c. 99, the bond given to the commissioners by a collector of taxes is to be conditioned for demanding the taxes, enforcing the provisions of the act, and paying the sums collected to the receiver-general. The defendant was sued on a bond which contained those conditions, and also a condition for accounting and paying to the commissioners: and it was held, that this latter condition might be rejected as surplusage, and did not avoid the bond. (*Collins and others v. Gwynne*, 7 Bing. 423; 5 M. & Payne, 276; 9 Bing. 544; 2 M. & Scott, 640.) And it was held, that in an action against the surety, it is a bad plea that the commissioners and receiver-general had not taken the steps to enforce payment from

the collector, as directed by the above act. (*Wilks v. Keely*, 1 Cromp. & Mees. 249.)

Collins and others v. Gwynne, 7 Bing. 544; 2 Moore & Scott, 640; 5 Moore & Payne, 276. Such a bond need not be taken to his majesty and his successors. The collector in default on such bond is a competent witness against his surety. The sale of the collector's lands and goods is not a condition precedent to putting such bond in suit. It is a breach of the condition of payment to pay money collected for a given year to the account of a different year. It need not be stamped, although not taken in the precise amount required by the statute. See the cause and other points, *Gwynne v. Burnell and others*, 2 Bing. N. S. 7; 9 Bing. 544.

It is no objection that the surety's bond is conditioned for payment by the collector to the receiver-general and to the commissioners, or that it is conditioned for payment at the times by the acts appointed, though no times in fact are appointed by the acts. (*Gwynne v. Burnell*, 2 Bing. N. S. 7.)

It was held, if there be two collectors of taxes appointed under the 43 Geo. III. c. 99, s. 13, for a single parish, by the commissioners, one for one division of the parish, called the Upper Parish, and one for another, called the Lower Parish, and they accordingly collect the taxes separately from the several inhabitants of their respective divisions: in case of a deficiency in the amount of the taxes collected, through the misconduct of either, the whole parish must be re-assessed, and not the particular district, the collector of which has misapplied the money, and from the collection of whose taxes the deficiency arises, although the taxes of the other division have been collected, and paid over to the receiver-general. (*Ex parte Henllan*, 7 Price, 594.) But in *Barrs v. Digby*, 1 New Rep. 281, it was held, that where a constablewick consisted of several hamlets, and two collectors of the duties on houses, &c. were appointed for each hamlet, if the collector or collectors of any one hamlet failed in duly paying over the money collected, the particular hamlet only where the collector or collectors have failed is liable to a re-assessment, under 20 Geo. II. c. 3, and not the whole constablewick.

1. The Act relating to Management of Commissioners.

43 Geo. III. c. 99.

Where two or more commissioners shall not be resident, the commissioners of the adjacent parish, &c., may appoint or concur in the appointment of collectors.

Collectors shall also act as assessors.

Assessors or collectors refusing to take the office, or neglecting their duty, may be fined by commissioners, not exceeding 20*l.* Inhabitants of cities, boroughs, &c. not compelled to be assessors or collectors out of the limits of such places.

In privileged and extra-parochial places, and where two sufficient inhabitants cannot be found, the commissioners to appoint assessors and collectors in like manner.

If assessors neglect their duty, surveyors may perform the same.

Officers executing this act, or other acts herein mentioned, not liable to any other penalties than such as are contained therein.

presented by the assessors as aforesaid, or named by the inhabitants, churchwardens and overseers, or guardians of the poor, or any two or more of them, or any seven or more of the vestry, where a select vestry shall be appointed as aforesaid, and who shall be thought by such commissioners to be of ability to execute the office of collector; and that in default of presenting or naming such persons who shall be willing to give such security, then the said commissioners residing as aforesaid shall name such persons as they shall think of ability to execute the said office provided always, that where two or more commissioners shall not be resident in any such ward or parish as aforesaid, for which collectors are to be appointed, then a commissioner or commissioners residing in any adjacent ward or parish in the same county or city may appoint or concur with a commissioner, so residing, in the appointment of such collectors: and every person appointed a collector in pursuance of this act shall also, by virtue of such appointment, act as an assessor for the same parish, ward, or place."

Sect. 16. "That if any assessor or collector to be appointed as aforesaid, shall wilfully neglect or refuse to take upon himself the office of an assessor or collector, to which he shall be appointed, or shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this act, or of any act or acts granting duties to be assessed under the regulations of this act, for which he shall be appointed an assessor or collector, such commissioners, or any two or more of them, may and shall by virtue of this act, impose on such person or persons so refusing or neglecting, for every such offence, a fine not exceeding 20*l.*: provided that no person inhabiting any city, borough, or town corporate, shall be compelled to be an assessor or collector for any part of such duties, in any place or places out of the limits of the city, borough, or town corporate in which he shall so inhabit."

Sect. 17. "That in all privileged and other places being extra-parochial and not within the constablewicks or precincts of the respective assessors to be appointed as aforesaid, and in all parishes and places where two able and sufficient inhabitants cannot be found, the said commissioners or any two or more of them, shall and they are hereby required to nominate and appoint two fit persons, living in or near the said privileged or other places as aforesaid, to be assessors for the said places, and to make and return their said assessments in like manner as by this act is directed in any parish or place, and also in like manner and in the like cases to appoint one or more collector or collectors, who are hereby required to collect and pay the sums given to them in charge, according to the rules prescribed by this act, for collecting and paying the sums of money assessed in any parish or place."

And see post, sects. 32 and 33.

Sect. 18. "That in case such commissioners shall neglect to appoint assessors, as directed by this act, or in case the assessors by them appointed shall neglect to perform what shall be lawfully required of them, that then and in every such case it shall be lawful to and for the surveyor or surveyors appointed or to be appointed as herein mentioned, to do and perform such and the like services as ought to be done by such assessors, until such assessors shall be appointed, and shall act with effect."

Sect. 19. "That no commissioner, assessor, or collector, who shall be employed in the execution of any such act or acts herein mentioned, or of this act, shall be liable, for or by reason of such execution, to any penalty or penalties, other than such as by this act, or the said act or acts, are or may be inflicted."

See further, sections 27, 32, 33 to 47, post, &c., and sections 48, 49, 50, 51, 52, post, as to collectors paying over money. .

See further, as to Collectors' Bond, 3 Geo. IV. c. 88, post, 16, and 48 Geo. III. c. 141, post, 15.

1. The Act relating to Management of Commissioners.

43 Geo. III. c. 99.

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If assessors neglect their duty, surveyors may perform the same.

Officers executing this act, or other acts herein mentioned, not liable to any other penalties than such as are contained therein.

presented by the assessors as aforesaid, or named by the inhabitants, or churchwardens and overseers, or guardians of the poor, or any two or more of them, or any seven or more of the vestry, where a select vestry shall be appointed as aforesaid, and who shall be thought by such commissioners to be of ability to execute the office of collector; and that in default of presenting or naming such persons who shall be willing to give such security, then the said commissioners residing as aforesaid shall name such persons as they shall think of ability to execute the said office: provided always, that where two or more commissioners shall not be resident in any such ward or parish as aforesaid, for which collectors are to be appointed, then a commissioner or commissioners residing in any adjacent ward or parish in the same county or city may appoint or concur with a commissioner, so residing, in the appointment of such collectors: and every person appointed a collector in pursuance of this act, shall also, by virtue of such appointment, act as an assessor for the same parish, ward, or place."

Sect. 16. "That if any assessor or collector to be appointed as aforesaid, shall wilfully neglect or refuse to take upon himself the office of an assessor or collector, to which he shall be appointed, or shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this act, or of any act or acts granting duties to be assessed under the regulations of this act, for which he shall be appointed an assessor or collector, such commissioners, or any two or more of them, may and shall, by virtue of this act, impose on such person or persons so refusing or neglecting, for every such offence, a fine not exceeding 20*l.*: provided that no person inhabiting any city, borough, or town corporate, shall be compelled to be an assessor or collector for any part of such duties, in any place or places out of the limits of the city, borough, or town corporate, in which he shall so inhabit."

Sect. 17. "That in all privileged and other places being extra-parochial, and not within the constablewicks or precincts of the respective assessors to be appointed as aforesaid, and in all parishes and places where two able and sufficient inhabitants cannot be found, the said commissioners, or any two or more of them, shall and they are hereby required to nominate and appoint two fit persons, living in or near the said privileged or other places as aforesaid, to be assessors for the said places, and to make and return their said assessments in like manner as by this act is directed, in any parish or place, and also in like manner and in the like cases to appoint one or more collector or collectors, who are hereby required to collect and pay the sums given to them in charge, according to the rules prescribed by this act, for collecting and paying the sums of money assessed in any parish or place."

And see post, sects. 32 and 33.

Sect. 18. "That in case such commissioners shall neglect to appoint assessors, as directed by this act, or in case the assessors by them appointed shall neglect to perform what shall be lawfully required of them, that then and in every such case it shall be lawful to and for the surveyor or surveyors appointed or to be appointed as herein mentioned, to do and perform such and the like services as ought to be done by such assessors, until such assessors shall be appointed, and shall act with effect."

Sect. 19. "That no commissioner, assessor, or collector, who shall be employed in the execution of any such act or acts herein mentioned, or of this act, shall be liable, for or by reason of such execution, to any penalty or penalties, other than such as by this act, or the said act or acts, are or may be inflicted."

See further, sections 27, 32, 33 to 47, post, &c., and sections 48, 49, 50, 51, 52, post, as to collectors paying over money.

See further, as to Collectors' Bond, 3 Geo. IV. c. 88, post, 16, and 48 Geo. III. c. 141, post, 15.

1. *The Act relating to Management of Commissioners.* shall for every such offence of himself or his deputy forfeit the sum of 500l."

43 Geo. III. c. 99.

Receiver-general (unless his accounts are passed within two years) not to return any county, &c., insuper, for monies in arrear, but the receiver to be answerable for the same.

Receiver-general returning any sums in arrear or insuper after he has received the same, to forfeit double the damages.

Commissioners of taxes to give notice of the death or removal of any receiver-general to the commissioners of the districts.

Receiver-general not to maintain action against the hundred on being robbed, unless there are three persons in company.

45 Geo. III. c. 71.
Receiver-general's accounts, in England, may be verified on oath before commissioners of district.

Sect. 55. "That no such receiver-general, or any heirs, executors, or administrators of such receiver, shall in any accounts of the monies wherewith such receivers shall be chargeable as aforesaid (unless such account shall be declared and passed in the Exchequer, within two years at the furthest after the end of the year for which such rates and duties shall be payable), be allowed or admitted to set *insuper*, or charge any county, division, or place for any monies granted by any act or acts herein mentioned, which shall be in arrear and unpaid, but that the same shall remain a debt upon every such receiver, to be answered by him and his securities, his and their heirs, executors, and administrators' lands, tenements, goods, and chattels respectively: anything herein contained to the contrary notwithstanding."

This provision seems to be repealed by 5 & 6 Will. IV. c. 20, s. 11.

See sect. 19, *ante*, 12; sect. 35, 36, 37, 38, *post*, 30; 59 Geo. III. c. 118, s. 1, *post*, 36.

Sect. 56. "That if any such receiver-general shall return or certify unto the said court, any sum or sums of money to be in arrear or unpaid, after the same have been received, either by such receiver-general, or his deputy or deputies, or any of them, or shall cause any person or persons to be set *insuper* in the said court, for any sum or sums of money that have been so received, that then every such receiver-general shall forfeit to every person and persons that shall be molested, vexed, or damaged, by reason of such unjust certificate, return, or setting *insuper*, double the damages that shall be thereby occasioned, the said damages to be recovered by action of debt, bill, plaint, or information, in which no essoign, protection, or wager of law, shall be allowed, nor any more than one imparlance; and shall also forfeit to his majesty, his heirs and successors, double the sum that shall be so unjustly certified or returned, or cause to be set *insuper*, to be recovered as other penalties may be recovered by this act."

Sect. 57. "That if any such receiver-general shall die or be removed, notice thereof shall be given by the commissioners for the affairs of taxes, to two or more commissioners acting for each district in the county or place for which such receiver was appointed, before the time appointed for the next quarterly payment of any of the duties herein mentioned, and so from time to time upon the death or removal of such receiver-general."

Sect. 58. "That no such receiver-general, or any of his agent or agents, servant or servants, by him employed for carrying any of the monies to be received for or on account of any of the duties herein mentioned, shall maintain any action or actions against any hundred or hundreds for or upon account of his or their being robbed on the king's highway of any of the said monies, unless the person or persons carrying, or accompanying the person or persons carrying, such monies, shall at the time of such robbery be together in company, and be in number three at the least, to attest the truth of his or their being so robbed; any law, statute, or provision to the contrary thereof in anywise notwithstanding."

The 45 Geo. III. c. 71, after reciting, that "whereas it is expedient to amend the several laws relative to the duties under the management of the commissioners for the affairs of taxes in the particulars herein mentioned," enacts, "That every account of the monies received and paid by any receiver-general of the said duties, or any of them, or by his deputy or deputies in England, which shall hereafter be transmitted to the office for taxes according to the usage thereof, shall be verified on the oath or oaths of such receiver-general, or his deputy or deputies, to the best of his or their knowledge or belief, which oath

1. *The Act relating to Management of Commissioners.* 1*l*d. in the pound, of the monies so paid; so as that the allowance, calculated as last aforesaid, shall in no case be granted to any greater amount than 100*l.* per annum."

48 Geo. III. c. 55.

3 Geo. IV. c. 88.
Poundage to receiver-general to cease.

Receivers and other persons, to be appointed under this act, to observe the rules herein mentioned.

The 3 Geo. IV. c. 88, after reciting, that "whereas it is expedient to amend the laws relating to the land-tax and assessed taxes, and compositions for assessed taxes so far as respects the receipt and payment of the monies arising therefrom by the receivers-general in England and Wales," enacts, "That so much and such parts of the several acts relating to the said taxes and compositions for assessed taxes, or either of them, which allow a compensation to each receiver-general in England and Wales, by a pound rate on the sums by him respectively paid into the receipt of his majesty's exchequer, or which require the said receivers-general to appoint sufficient deputies to receive the said taxes, shall, from and after the fifth day of April, 1822, in respect of the assessments of the said taxes and the contracts of compositions thereafter made, be and the same are hereby repealed."

Sect. 2. "That every person who, after the fifth day of April, 1822, shall be appointed by his majesty, his heirs, or successors, or by the commissioners of his majesty's treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them, to be receiver-general of the said taxes, or either or any of them, and any other taxes or sums of money under the care and management of the commissioners for the affairs of taxes; and every other person to be appointed by the said commissioners of his majesty's treasury to do or perform any part of the duty of any such receiver-general; and the several officers appointed or to be appointed by the said commissioners of his majesty's treasury, now or for the time being, or any three or more of them, for the survey and inspection of any of the said taxes; and all other persons appointed or to be appointed by the respective commissioners acting in the execution of the said acts, in the several counties, divisions, cities, towns, parishes, wards, and places, within England or Wales, shall severally and respectively observe and be subject to the rules and regulations set forth in this act, and the penalties therein contained; which rules and regulations shall be deemed a part of this act, as if the same had been severally inserted herein under special enactments."

"No. I.—Rules and Regulations touching the office of Receiver-General."

Salary to receiver-general not to exceed 600*l.* per annum.

"First.—Every receiver-general to be appointed as aforesaid shall be entitled to such annual salary, payable half-yearly by equal portions, as the said commissioners of the treasury for the time being, or any three or more of them, shall appoint, not in any case exceeding the sum of 600*l.* per annum, to be allowed to him out of any monies in his hands of the said taxes, by virtue of the warrant of the commissioners for the affairs of taxes for the time being, or any two or more of them."

First appointment only liable to stamp duty.

"Second.—Every receiver-general to be appointed as aforesaid shall be, on his first appointment, charged with the stamp duty payable by law on the bond to be given in such case, and every renewed or succeeding appointment of the same person shall be free of stamp duty; but such receiver-general shall not be required to renew his bond under each or any new or succeeding appointment, except in the case of any change in his security, or under circumstances that may render any such renewed bond necessary, under the directions of the said commissioners of the treasury, which renewed bonds shall also be free of stamp duty; and such receiver-general shall not in any case be liable to or charged with any fee or gratuity on his commission, warrant, or other instrument to be obtained or had, either on his first appointment or on any renewed or succeeding appointment to the said office, nor to any fee or gratuity for any matter or thing incident to the execution of his office, or for auditing or passing his accounts either in his majesty's treasury, the office for taxes, or in any office of the Court or receipt of Exchequer."

1. The Acts relating to Management of Commissioners. son or persons, in duplicate, shall be a full discharge and acquittance to such receiver-general; and the first of every receipt in duplicate so given shall be transmitted to the commissioners for the affairs of taxes; and the second of every such receipt shall remain with the said receiver-general as his voucher in passing his accounts; and every such receipt shall be free of stamp duty."

3 Geo. IV. c. 88.

Receivers keeping daily or weekly offices may appoint particular days of receipt from collectors.

Bonds, &c., to be to his majesty.

"Seventh.—Whenever any receiver-general shall be required to keep open daily or weekly (except as before excepted) an office for the receipt of taxes within his district, it shall be lawful for such receiver-general, and he is hereby required, to fix the day or days for receiving the same from each collector whose place of residence shall be within ten miles of the said office, according to such course, order, and rotation, as shall be approved by the commissioners for the affairs of taxes, or any three or more of them; according to which rotation every such collector shall attend to make his payment, so that each such collector may attend four or a less number of days in each quarter of a year, or quarterly as the commissioners of the district shall think expedient, and shall certify to the commissioners for the affairs of taxes according to the said course, order and rotation; of which day or days of payment due notice shall be given to the respective commissioners acting in the execution of the said acts and this act and where the residence of any collector or collectors within the district of any such receiver-general mentioned in this rule shall not be within the distance before mentioned, the receipts of the monies from time to time collected by them shall be held by the deputy of such receiver-general in the manner prescribed in this act in regard to other districts."

"Eighth.—All bonds, contracts, and securities, to be entered into with or taken from the receivers-general to be appointed, or with or from any other person or persons to be appointed under this act, and their respective sureties to remit the monies arising by the taxes granted by the said acts, or any of them or any other duties or sums of money under the management of the commissioners for the affairs of taxes, shall be to his majesty, his heirs, and successors and entered into with and taken by the commissioners for the affairs of taxes and shall be filed and kept in the office of the said commissioners; and no such bond, contract, or security, shall be entered or filed at any of the offices in the Court of Exchequer unless and until it shall be necessary to be made matter of record for the purpose of suing process at law in the said Court of Exchequer at Westminster, for the recovery of any penalty forfeited thereon, or any debt or duty owing thereon or against the person and effects of the parties bound thereby, their heirs, executors, or administrators respectively; in which case the commissioners for the affairs of taxes shall cause the same to be delivered into the office of the king's remembrancer of the said court; and such delivery shall be deemed and be as valid and effectual as if the bonds, contracts, and securities, had been taken in one of the said offices, according to the course of practice of the said court heretofore used, to all intents and purposes whatsoever and shall be applied and made use of in such and the like manner, in any suit action, or process of law, on the said bonds, contracts, or securities, as if the same had been from the caption thereof respectively filed in the said court."

"No. II.—Rules and Regulations respecting the said Office, in relation to Assessed Taxes."

Receivers may examine collectors on oath.

Answers signed by collectors.

"First.—Every receiver-general to be appointed as aforesaid, and his deputies, except as after mentioned, authorized under this act, shall and are hereby respectively empowered and authorized, at the respective times appointed by the said acts and this act for the delivery of schedules of defaulters, to administer an oath to every such collector (or, being a person called a Quaker, a solemn affirmation), that he or they hath or have fully paid all the sums by him or them collected or received of or for the assessed taxes, and hath or have fully accounted for all sums not collected or received, in the schedule or schedules then delivered, and shall true answer make to all such questions as shall be demanded of him; and it shall be lawful for every receiver-general, or his deputies, authorized under this act, at the time of delivering such schedules or schedules, to examine each collector on any matters touching the sums collected and the sums in arrear, and the substance of the answer or answers which any collector shall give on such examination shall in his presence be reduced into writing, and read to him, with liberty to alter and amend the same in any particular; and every such collector shall write or sign his assent to the same in

1. The Acts taxes or any of them, together with all costs and charges attending the recovery relating to Management of thereof."

Commissioners. "Second.—Whenever any sum or sums of the monies collected and received under the authority of the said acts shall be detained in the hands of any collector or collectors, and shall not be duly accounted for to the receiver-general or his deputy at the receipt to be holden next after the same shall have been collected or received by him or them; and whenever any sum or sums of the arrears of taxes and monies so collected or received shall be ordered to be paid by the respective commissioners of the district acting in the execution of this act, and shall not be paid on the day so ordered, every such collector shall forfeit and pay the sum of 50l., and a further penalty at the rate of 5l. per centum per annum for the whole sum by him detained; and the amount of the said penalties shall be sued for and recovered in the manner hereinbefore directed, with all costs and charges."

3 Geo. IV. c. 88. "Third.—If any collector of the said taxes shall, from and after the passing of this act, advance or lend to any person or persons any of the monies so by him collected or received, or if any such collector shall pay or apply any monies or any part of the said monies to his own use or purpose, or shall deposit or deliver over the same to any person or persons, so that the full sums or any part thereof to be raised under the said acts, according to the tenor and effect thereof, shall be withheld and not be paid to the receiver-general at the times on which the same ought to be paid according to this act, every such collector shall for every such offence forfeit and pay the sum of 50l. with all costs and charges, to be recovered in manner last aforesaid."

Collectors not paying over monies. "Fourth.—All schedules of defaulters to be delivered after the passing of this act, by any collector or collectors of the said taxes and composition monies, or any of them, shall be delivered to the several receivers-general, or their authorized deputies, on their receipt, after the 10th day of October and the 5th day of April, yearly, and at the time of such collector or collectors attending the receiver-general with an affidavit subscribed on the oath or affirmation of the collector or collectors in the manner directed by the said acts, and which oath or affirmation the said receivers-general, or their respective authorized deputies, are hereby respectively authorized to administer and subscribe; and any collector neglecting to deliver any such schedule, duly verified as aforesaid, to such receiver-general or his deputy at the time, and on his receipt as aforesaid, shall be subject to the like process as is provided for neglecting to deliver schedules under the said acts relating to the assessed taxes, and all such schedules respectively shall be delivered by such receiver-general or his deputy, to the respective commissioners, to remain in their hands during the same time as is allowed by the said acts relating to assessed taxes."

Penalty. "Fifth.—Every bond or other security to be given after the passing of this act, by the collector or collectors of the land-tax, to the respective commissioners acting in the execution of the act relating to the said tax, shall be free of any stamp duty whatever."

Proceedings. "Sixth.—Every collector shall receive from the receiver-general the poundage allowed to him under the said recited acts, unless the said commissioners of his majesty's treasury shall direct all or any portion of such poundage to be discontinued, and which the said commissioners are hereby authorized to do from time to time, and in such manner as shall appear to them expedient for the better execution of the provisions of this act."

"No. IV.—Rules and Regulations respecting the Offices of other Persons acting in the Execution of the said Acts."

Commissioners may call collectors before them previous to each receipt, and make orders for payments; "First.—It shall be lawful for the several commissioners acting in the execution of the said recited acts and of this act, in their respective divisions, and they are hereby required, whenever they shall have received notice, as directed by this act, of any receipt to be holden by the receiver-general of the monies collected and received within the limits of the district of the said commissioners respectively, and on or immediately before the day or days of receipt to be so holden, to call before them the respective collectors appointed for each parish or place, and to examine him or them upon solemn oath or affirmation, and assure themselves of all and every of the sum or sums of money and arrears of the said duties and compositions respectively that shall have been collected, or remain to be collected, and which shall be payable to the said receiver-general or his deputy,

1. The Acts relating to Management of Commissioners.

3 Geo. IV. c. 88.

Bonds of receivers general to be delivered up on accounts being balanced.

Certificate of account settled delivered to receiver-general, and by him to the exchequer.

Office of certain receivers-general discontinued on certain events happening.

Regulation for enrolling accounts of receivers-general in the King's Remembrancer's Office only.

* Sic in act.

Accounts may be enrolled in Lord Treasurer's Remembrancer's Office, and Pipe Office, in particular cases, as required by 1 & 2 Geo. IV. c. 121.

where any account of a receiver-general of land or assessed taxes, to which any bond now or hereafter to be entered into to his majesty, filed of record in the Court of Exchequer, or to be taken by the commissioners for the affairs of taxes under the provisions of this act, shall relate, has been or shall be stated and passed in the office of the said auditors or their deputy, and have been or shall be declared before a baron of the Court of Exchequer, and no balance shall appear to remain due on such account from any such receiver-general, the said auditors or their deputy shall, as soon as conveniently may be after such declaration, cause a certificate thereof to be made out and signed by them or him, and the total amount of the sums forming the charge and discharge parts of the said account, with the words 'Even and Quit,' shall be inserted in such certificate, and delivered to the said receiver-general; and every such certificate so made out and signed as aforesaid, and delivered into or lodged by the said receiver-general in the office of the king's remembrancer in the Court of Exchequer, or in the office of the said commissioners, shall be a sufficient authority to the officers of the said court and to the said commissioners having the custody of the bond of the said receiver-general, for the year to which the said certificate shall relate, to deliver up such bond to the said receiver-general or to his authorized agent in that behalf, a receipt for such bond being indorsed on such certificate, and signed by the party receiving the same."

Sect. 8. "That upon the death, resignation, or removal of any one of the receivers-general whose names are set forth in the schedule to this act annexed, marked with the letter A, the office of such receiver-general shall be discontinued, and it shall be lawful for the said commissioners of the treasury to consolidate the said vacant office with the office of the receiver or receivers of the rest of the county, or to add the same or any part or parts thereof to any adjoining district or districts of receipt as the said commissioners of the treasury shall think most beneficial to the collection of the said taxes."

Sect. 9. "That from and after the passing of this act, one part only of the accounts of every receiver-general to be hereafter passed shall be made up and transcribed in the offices of the auditors of the said accounts, for the purpose of being presented for declaration before a baron of his majesty's Court of Exchequer, and which account shall be written on paper in the English language in common characters, and the several sums of money expressed therein shall be written and described in common numerals or figures; and every such account, after the same shall have been declared before a baron of the said court according to the usage thereof, shall be transmitted to the office of his majesty's remembrancer of the said court, and shall there be enrolled, as of record, in like manner in all respects as the part of any account transcribed on parchment hath heretofore been enrolled; and which enrolment herein directed shall be as valid and effectual for enabling the proceedings for the recovery of any balance and interest due or to become due thereon, and for all other purposes whatsoever in anywise concerning or relating to such accounts, as if the same had been also recorded in the offices of the lord treasurer's remembrancer and of the clerk of the pipe, according to the course of the Exchequer before the passing of this act: provided nevertheless, and* all and every the provisions contained in an act passed in the first and second years of the reign of his present majesty, intituled 'An Act to alter and abolish certain Forms of Proceedings in the Exchequer and Audit Office, relative to Public Accounts, and for making further Provisions for the Purpose of facilitating and expediting the passing of Public Accounts in Great Britain, and to render perpetual and amend an Act passed in the Fifty-fourth Year of his late Majesty, for the effectual Examination of the Accounts of certain Colonial Revenues,' so far as the same relate to the record and enrolment of any of the said accounts in the offices of the lord treasurer's remembrancer and of the clerk of the pipe respectively, in cases where such enrolments or records may be found

1. The Acts relating to Management of Commissioners.

1&2 W. IV. c. 18.

Appointment of inspectors of taxes to be officers for receipt for county districts.

*Salary not to exceed on an average 100*l.* per annum, and 100*l.* for a clerk.*

One receiver-general to be retained for the London district.

Receiving inspectors to make circuits for receipt from collectors.

Travelling expenses not to exceed those now allowed.

3 Geo. IV. c. 88.

Providing for remitters.

retain and continue any one or more of the present receivers-general, under the provisions of the acts now in force, for such further and respective periods, and for such district and districts, circuit and circuits of receipt, as to the said commissioners may appear necessary or beneficial to the public service."

Sect. 2. "That in lieu and in the place of the receivers-general to be discontinued under this act, it shall and may be lawful to and for the said commissioners of his majesty's treasury for the time being to nominate and appoint from time to time such of the persons for the time being appointed to execute the offices and duties of inspectors of taxes to be officers or persons for the receipt of the land-tax, and of monies payable for the sale and redemption thereof, and the respective rates and duties of assessed taxes under the management of the commissioners for the affairs of taxes, within and for such counties, districts, and circuits of receipt as the said commissioners of the treasury shall from time to time authorize or direct: and it shall also be lawful for the said last-named commissioners to grant annual allowances to such receiving inspectors as a remuneration for executing and performing the additional duties imposed on them by this act, and for the expense of a clerk, not exceeding on an average the sum of 100*l.* for such remuneration, and a like average sum of 100*l.* for such clerk."

Sect. 3. "That it shall and may be lawful for the said commissioners of his majesty's treasury to retain and continue one of the present receivers-general for the city of London and county of Middlesex, and to appoint him receiver-general of a district or circuit of receipt, to be called 'The London Receipt,' and for the other purposes hereinafter provided, which London receipt shall comprise the city of London, the city and liberty of Westminster, the county of Middlesex, and such parts of the respective counties of Surrey, Essex, and Kent, as the said commissioners of the treasury shall from time to time direct; and it shall not be necessary for any person hereafter appointed receiver-general of such receipt to have previously executed the duties of or to be also an inspector of taxes."

Sect. 7. "That every inspector to be appointed for the receipt of the taxes and monies under this act, and every receiver to be retained or continued under this act, shall attend at such places, and observe such route in proceeding from place to place for the receipt of the taxes, rates, and duties aforesaid from the several collectors of the parishes, wards, or places within the district assigned to such officers respectively, and at such times, and from time to time, as shall be directed and approved by the said commissioners for the affairs of taxes: provided always, that the allowance for travelling and incidental expenses of every such officer in attending his receipt shall not in any case exceed the respective rates allowed to a receiver-general under the authority of an act passed in the third year of the reign of his late majesty king George the Fourth, intituled 'An Act to amend the Laws relating to the Land and Assessed Taxes, and to regulate the Appointment of Receivers-General in England and Wales.'"

Sect. 8. "That it shall be lawful for the said commissioners for the affairs of taxes to make arrangements with any person or persons to receive from any receiving inspectors, or any receivers to be continued as aforesaid, the taxes, rates, and duties aforesaid to be from time to time collected by and paid to any such officer, or his deputy duly authorized in the manner directed and allowed by this act, and to remit and pay, or cause to be remitted and paid, the several sums by such person or persons to be received into the receipt of his majesty's exchequer at Westminster, or into the Bank of England, or to the receiver-general of the London district, or to the commissioners for the affairs of taxes for the time being respectively, in such manner, at such time and times, and upon such terms and conditions, as shall from time to time be settled and allowed by the said commissioners, under the directions of the said commissioners of his majesty's treasury; and also to arrange with the same or any other persons to receive from any collector or collectors of the taxes, rates, and

1. The Acts relating to Management of Commissioners.

48 Geo. III. c. 99.

Notice thereof to be given to the party surcharged.

Surcharges omitted the first half-year, may be made for the whole year.

Persons overcharged may appeal to the commissioners (a) on giving ten days' notice to the surveyor or assessor (b).

Commissioners to hear appeals, unless notice has not been given, in which case the assessment or surcharges must be confirmed.

Assessments not to be altered before the time for hearing appeals, except in cases authorized by the act or recited acts.

Clerks or other persons altering the assessments improperly to forfeit 50l.

Commissioners, on hearing appeals, not to make abatement unless the party is overrated, and produces a list of particulars as required by the acts verified on oath.

such surcharges as they may lawfully make, and shall give or cause to be given to every person so surcharged, or leave or cause to be left at his or her last or usual place of abode in the district where such surcharge shall be made, notice in writing of such surcharge, and of the amount for which he or she shall have been charged by virtue of such certificate."

Sect. 22. "That if any surveyor or surveyors, inspector or inspectors, shall omit to make a surcharge on or before the first day of August in any year, it shall be lawful for the said surveyor or surveyors, inspector or inspectors, to make such surcharge or surcharges on or before the first day of January following, for the whole year."

By 43 Geo. III. c. 99, s. 24, it is enacted, "That if any person or persons shall think himself, herself, or themselves respectively overcharged or overrated by any assessment or surcharge to be made by virtue or in pursuance of any act or acts before mentioned, it shall be lawful for him, her, or them respectively, to appeal to the commissioners for putting in execution the said act or acts in relation to such assessment, on giving at the least ten days' notice thereof to the said surveyor or inspector, or to one or more of the assessors of the place wherein such assessment or surcharge shall be made, of such intention to appeal; and the said commissioners, or any two or more of them, shall and they are hereby required to hear and determine all such appeals, except where it shall appear to the said commissioners that the person appealing shall have omitted to give such notice thereof to the proper officer aforesaid, in which case it shall be lawful for the said commissioners, and they are hereby required, to dismiss the appeal, and to confirm the assessment or surcharge appealed against."

Sect. 25. "That no assessment which shall be delivered to such commissioners, or any two or more of them, by any such assessor or assessors, shall be altered by them, or any of them, before the time for hearing and determining appeals, and then only upon a surcharge or surcharges not appealed against, and according to such surcharge or surcharges, or upon the commissioners hearing the matter of appeal particularly relating thereto, upon a general appeal-day duly appointed, save and except in such cases only where such commissioners are specially authorized to alter or rectify any such assessment by the act or acts before mentioned; and if any clerk to such commissioners, or any other person or persons, shall alter, or cause or procure or suffer to be altered, any assessment, after the same shall have been allowed by such commissioners, except as aforesaid, or in cases of appeal, and by order of the said commissioners, or any two or more of them, made after appeal as aforesaid, every such clerk or other person shall forfeit and pay the sum of 50l."

Sect. 26. "That the said commissioners, or any of them, shall not, upon the hearing any such appeal, make an abatement or defalcation in the charge made upon any person by assessment, or by the surcharge of any assessor or assessors, surveyor or surveyors, inspector or inspectors, as aforesaid, but the charge or surcharge shall stand good and remain part of the annual assessment, unless it shall, upon the hearing of such appeal, appear to the commissioners then present, or the major part of them, by examination of the appellant upon oath or affirmation, or by other lawful evidence to be produced by him or her, that such person is overrated in or by any such assessment or surcharge, and unless the appellant shall produce before the said commissioners a true, perfect, and

(a) The Court of Exchequer will not, upon motion, enter into any question of rateability to the assessed taxes. (*R. v. Navy (Commissioners)*, 3 *Anst.* 858.)

(b) By the 48 Geo. III. c. 141, No. 3, Rule 6, all appeals against the first assessment in every year shall be heard

and determined between the 20th of August and 10th of September following. By the same act, No. 4, Rule 2, all appeals against surcharges shall be heard and determined between the 20th of January and 20th of February following.

1. *The Acts relating to Management of Commissioners.* shall be required according to the provisions of any act or acts concerning the same" (a).

43 Geo. III. c. 99.
Provision for assessments and duplicates not being signed in due time.

Sect. 30. "And whereas it may happen that the assessments and duplicates of the said duties may not be signed and allowed in due time, to the prejudice of the said revenue, for want of a sufficient number of commissioners acting or attending where and when such assessments or duplicates ought to be allowed; be it further enacted, That in all cases it shall be lawful for the said commissioners appointed for putting any act or acts relating to the said duties in execution, living in any parish or place within the same county, riding or division, and they are hereby empowered and required, to allow and sign such assessments or duplicates which are or shall be wanting for any such parishes or places as aforesaid."

When there has not been a meeting of commissioners within the time prescribed by this act, they may meet at other times, and execute any of the powers therein contained.

Sect. 31. "That if at any time there shall not have been any meeting or meetings of two or more of the said commissioners, and a due execution of any of the powers created by this act, or the act or acts before mentioned, within or at the time or times, or according to the manner or circumstances directed or prescribed in and by this act, or the said act or acts, it shall be lawful to and for any two or more of the persons appointed commissioners, and they are hereby required, in all and every the respective counties, ridings, cities, boroughs, cinque-ports, and towns respectively, in that part of Great Britain as aforesaid, wherein such default shall have happened, to meet and execute the said powers at any other time or times, anything herein contained to the contrary thereof notwithstanding; and they are hereby authorized and required forthwith or as soon as may be after the time or times at which such meetings should have been held, and such powers should have been executed, to meet and execute the same, and cause the same to be executed, so as that all the duties by law payable on assessment be duly and effectually charged, raised, levied, collected, and paid to his majesty, his heirs and successors; and all such meetings and acts of the said commissioners, or any two or more of them, shall be deemed and are hereby declared to be good and valid, to all intents and purposes, notwithstanding any such omission or defect."

Where there has been no appointment of assessors or collectors, two justices of the peace in any county, or the chief magistrate and justices in any city, &c., may appoint them (b).

Persons so appointed refusing to perform the duty, or to take the oath required, shall forfeit 50%.

Sect. 32. "That if, in any parish, ward, or place, in that part of Great Britain as aforesaid, any failure shall happen in the appointment of the assessor or assessors, or collector or collectors, whereby the assessments or collection of the duties is likely to be delayed, it shall be lawful for any two justices of the peace of any county in that part of Great Britain as aforesaid, the ridings of York, or divisions of Lincoln, whenever such failure shall happen in any parish, ward, or place within such county, riding, or division, or in any town or place adjoining thereto, such town or place not being a county of itself herein mentioned, and for the chief magistrate and justices of the peace of any city, town, or place, being a county of itself, and they and every of them, on notice of such default to be given by the surveyor, are strictly enjoined and required to appoint an assessor or assessors, or a collector or collectors, as the case may require, observing therein the rules and regulations prescribed by this act for the appointment of such respective officers by commissioners; and if any person appointed by the justices or magistrates as aforesaid, to be an assessor or collector, shall wilfully neglect or refuse to take upon himself the office of an assessor or collector, or shall wilfully neglect or refuse to perform his duty in the speedy and faithful execution of his office; or if any person so appointed to be an assessor shall neglect or refuse to take the

(a) The commissioners were ordered by the Court of Exchequer to state and sign a case for the appellants, for the opinion of a judge, where a question arose respecting certain increase of duty made by a surveyor on the ap-

pellants. (*In re Yarmouth (Commissioners)*, 9 Price, 149.)

(b) In 48 Geo. III. c. 141, s. 1 Rule 1, where assessors are to be appointed before 1st of April, annually, see post.

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.

Collectors in the day-time may break open houses, having a warrant from the commissioners for that purpose, and taking a constable with them.

When sufficient distress cannot be found, the party may be committed to prison.

Question or difference respecting distress to be determined by the commissioners (a).

Warrants of commissioners may be executed in any part of county for which they are appointed.

When persons remove without paying the duties, the commissioners to certify the same to the commissioners of the place where the party can be found;

who are to cause the amount thereof to be levied, and to be paid to the collector of the parish where the assessment was made.

Parishes or places being in two counties, the duties to be assessed in the county where the church is situate and houses situated in two

four days, then the said distress to be appraised by two or more of the inhabitants where the said distress is taken, or other sufficient persons, and there to be sold by the said officer for payment of the said money, and the overplus coming by the said distress (if any there be), after deducting the said money, and also the costs and charges of taking, keeping, and selling the said distress, which costs and charges the said officer is hereby authorized to retain, to be restored to the owner thereof; and, moreover, it shall be lawful, in such case, to break open in the day-time any house, upon warrant under the hands and seals of two or more of the said commissioners, obtained for that purpose, calling to their assistance the constable, tithingman, or headborough, within the counties, shires, stewartries, cities, towns, and places, where any refusal, neglect, or resistance shall be made, which said officers are hereby required to be aiding and assisting in the premises, as they will answer the contrary at their peril; and if any person or persons appointed to pay any of the duties charged by any act or acts, as aforesaid, shall refuse or neglect to pay the said sum or sums so appointed to be paid, by the space of ten days after demand, as aforesaid, where no sufficient distress can or may be found whereby the same may be levied, then, and in every such case, two or more of such commissioners are hereby authorized, by warrant under their hands and seals, to commit such persons to the common gaol, there to be kept, without bail or mainprize, until payment shall be made; and, if any question or difference shall arise upon taking such distress, the same shall be determined and ended by two or more of such commissioners' (b).

Sect. 34. "Provided that nothing herein contained shall be construed to restrain the said commissioners, or any of them, from acting as commissioners in any part of the county, riding, division, or place for which they are appointed; and that all warrants and precepts of the said commissioners shall and may be executed by the respective persons to whom the same are directed, in any part of the same county, riding, division, or place, for which they are appointed."

Sect. 35. "And whereas it may frequently happen that persons quitting their dwelling-houses or places of residence may remove to other parishes or places, without first discharging or paying the duties charged upon him, her, or them, whereby the said duties made payable by this act will be lost, unless such person or persons so removing can, after such removal, be compelled to pay the same; be it further enacted, That the commissioners acting by virtue of this act, within such parish or place where such duties are charged upon and unpaid by the person or persons removing, as aforesaid, shall sign and cause to be transmitted a certificate thereof to the commissioners acting within the parish or place where the person or persons making such default of payment shall happen to reside; which commissioners, or any two or more of them, shall and they are hereby empowered to raise and levy the said duties charged upon the party or parties removed, as aforesaid, and cause the monies so raised and levied to be paid to the collector of the parish or place from whence the said person or persons did remove, so as the same may be paid and applied according to the true intent and meaning of this act."

Sect. 36. "That where any parish or place shall be in two or more counties, ridings, or divisions, the duties charged or to be charged in or for such parish or place shall be assessed, raised, levied, collected, and paid, by and under the commissioners acting for that part of the said parish or place where the church or other place of public worship aforesaid shall be situate, and that the whole of such parish or place shall be

(a) See note (b), preceding page.

(b) In *The Earl of Shaftesbury v. Russell*, 1 B. & C. 666; 3 D. & R. 84, S. C., it was held, that as the juris-

diction of the superior courts was not expressly taken away, an action at common law might be maintained for a wrongful distress for taxes.

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.

ture before them, and examine them upon oath as to the sums collected by them and paid to the receiver-general, also as to the amount of arrears, and cause thereof (a);

also the collector of any former year.

receiver-general, inspectors, and surveyors, when required, to make examinations.

Collector or collectors failing their duty may be dismissed, and the same may from time to time appoint others.

Collector or collectors failing to deliver, on demand of the commissioners, to the new collector, the certificates of assessments, &c., in default to fulfill his.

nevertheless twice at least, videlicet, on or before the first day of November and the first day of May following in every year, and so from time to time as often as shall be necessary, the several and respective commissioners appointed to put this act in execution, or any two or more of them, within their district, shall and are hereby empowered and required to call before them the collector or collectors appointed within each parish or place, as the case may require, and to examine him or them upon oath or solemn affirmation, and assure themselves of the sum or sums of money that shall have been collected and paid to such collector or collectors of the duties given to them, or any of them in charge, and to make such order therein for the payment of the same to the receiver-general, on the day or time appointed for receiving the same, as they shall judge necessary; and also to assure themselves of the sum or sums in arrear, and the cause or causes thereof; and also, upon such oath or affirmation, to examine the said collector or collectors touching the due payment over of any sum collected by him or them in any preceding part of the same year, and in every such case to make such order therein as aforesaid; and the said commissioners are hereby empowered and required, in every year, to call before them the collector or collectors appointed in each parish, ward, or place, in any former year, where any sum or sums of the duties charged by virtue of any act or acts before mentioned shall be in arrear or unpaid to the receiver-general, and to examine the said collector or collectors on such oath or affirmation as aforesaid, and to assure themselves of the sum or sums of money collected by him or them, and of the sum or sums in arrear, and also the sum or sums paid over to the receiver-general, and of the sums remaining in the hands of the said collector or collectors, and to make such order therein as they shall judge necessary to prevent any failure in the payment in any part of the assessment charged by virtue of any such act or acts, and so from time to time, as long as any of the arrears of the said duties, or any of them charged upon any of the said parishes, wards, or places, shall be in arrear; and the respective receiver-general, inspectors, and surveyors, shall, when required so to do, be assisting to such commissioners in their inquiry in all matters relating to their respective offices."

Act. 40. "That if any wilful delay or failure shall happen in demanding, receiving, recovering, or paying over any monies of the duties assessed as aforesaid, through the default or neglect of any collector or collectors, it shall be lawful for such commissioners to revoke the appointment of such collector or collectors so in default or neglecting, as aforesaid, and by indorsement on the same precept or precepts of appointment, or otherwise by their precept, to appoint a collector or collectors in his or their stead for the remainder of the year, with full power to collect the arrears of the sums then due; and it shall also be lawful for such commissioners, whenever the same shall be necessary, to revoke such last-mentioned appointment, and to appoint a collector or collectors in like manner, from time to time, and as often as any such collector or collector shall be guilty of such default or neglect, provided security be taken, if required, as in the case of an original appointment, and provided the like security be taken on every such new appointment as shall have been required to be taken on the appointment of collectors at the commencement of any year, as hereinbefore is mentioned; and such collector or collectors so in default as aforesaid, shall, on the demand of such commissioners, deliver up to them, or in their presence, to the collector or collectors newly appointed, all such certificates of assessments which he or they were charged to collect, and all accounts of receipts and vouchers of payment as aforesaid, and also shall pay to the receiver-general all sums then in his or their hands, at such time as such commissioners shall appoint; and if any person, after such removal from the office of collector,

(a) See 20 Geo. II. c. 3, s. 34; 43 Geo. III. c. 161, s. 84; and see 48 Geo. III. c. 141.

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.

Commissioners to cause two duplicates to be made out within one month after Feb. 10; one for the receiver-general, the other to be transmitted to the Remembrance Office.

Duplicates to contain the full sum given in charge to the collectors.

same; and such part thereof which shall arise from any penalty as aforesaid, may be recovered by action or information, as other penalties may by this act be recovered, with full costs of suit; and the sum so recovered shall be paid to the receiver-general, in aid of the parish or place answerable for the same."

Sect. 46. "That the respective commissioners aforesaid shall cause two duplicates of every assessment to be made out on parchment by their clerk, within one month at farthest after the tenth day of February, after the making the said assessment yearly, and one of them to be delivered unto the respective receivers-general, and the other of them transmitted into the office of king's remembrancer in the exchequer, for which duplicates the proper officer shall give acquittances *gratis*, so as every of them may be duly charged to answer their respective collections and receipts, and the said duplicates shall be made for the same hundreds, rapes, laths, wapentakes, wards, parishes, or places or divisions, for which distinct duplicates are directed to be made out, or may be made by virtue of the said recited act for granting an aid by a land-tax before mentioned; and every such duplicate shall contain the names and surnames of the several

The protection of parishes from re-assessment is an object of the care of the Court of Exchequer; and the necessity of process of extent in the second degree for that purpose, where a collector has become defaulter, is a strong ground for granting a *flat*; and the existing liability of the parish is consequently no answer to the objection of the crown debt not being in danger. (*R. v. W. Bell*, 11 Price, 772.)

Distinction between extent in aid and extent in chief in the second degree:—

The statute of the 57 Geo. III. does not apply to extents in chief in the second degree. Therefore, the crown may proceed by extent to recover a small debt due from a person indebted to the crown debtor (a collector of taxes), who had received and misappropriated the crown's money, although he be not a debtor to the crown within the fourth section of that statute. Neither does the recent rule of court, respecting extents in aid, apply to extents in chief in the second degree. It is not necessary, in the affidavit made for obtaining a baron's *flat* for such an extent, in such a case, that there should be any averment of the insolvency of the crown debtor, or any fact stated from which it may be inferred. (*Id. ibid.*)

Nor is it necessary, in such a case, that collusion should be negatived. (*Id. ibid.*)

The sheriff is entitled to levy costs, under 43 Geo. III. c. 99, on an extent against a collector of taxes; and the sheriff's poundage is included in the word charges, and may be levied; and it is payable where the money is paid in before a *venditioni exponas* has issued, although that proceeding is obviated thereby.

But if the agent in the country, or the solicitors for taxes, have received any money from the defendant as costs under the levy, or the sheriffs have taken anything for extra costs, as bailiff's fees and keeping possession, the court will order them to refund.

It does not seem to be necessary under that act, that the commissioners should issue their warrant against the collector to recover the duties detained, to authorize the issuing of an extent against him as a condition precedent; or, if it be, it is rather a ground of a motion to set aside the extent for irregularity.

The bill of the solicitors prosecuting the extent for the crown may be taxed. (*R. v. Collingridge*, 3 Price, 280.)

It was doubted whether a re-assessment could go for the duties on carriages, servants, and horses. (*R. v. Wimbledon*, 3 *Anst.* 855.)

If the acting commissioners of taxes refuse (unless indemnified) to proceed to make a *re-assessment* on a parish, to which the deficiency applies, in execution of the powers entrusted to them by the several acts of parliament, where an *insuper* has been set on the parish, whose collector is a defaulter, the Court of Exchequer will order them to do so, by rule to show cause, in the nature of a *mandamus*; and will also order a service on their clerk to be deemed good service: the crown is not limited to any time within which to make such an application. (*In re Wootton*, 6 Price, 105.)

In *R. v. Deane*, 2 *Anst.* 369, it was held, that where a collector of revenue gave a bond to the crown, the penalty is a security against all the expenses of process and execution against him.

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.
distringas, on application of commissioners of taxes.

Commissioners of taxes to certify to the Court of Exchequer when the persons against whom such writ shall issue have complied with the directions of the act, upon which the process may be respited or discharged.

59 Geo. III. c. 118.
Not liable to assessment after the 5th April which shall next happen after bankruptcy or insolvency, for articles kept and used for trade.

for the hundred, rape, lath, wapentake, city, ward, town, or place, or the division wherein such failure hath happened, or any two or more of them residing within such division, hundred, rape, lath, wapentake, city, ward, town, or place, and also the names of the assessors and collectors, and the several persons belonging to such parish or place charged to such duties, and who shall have made failure in the payment thereof, in case an assessment shall have been made, which said commissioners, assessors and collectors, and any person or persons charged with such duties, shall be respectively liable to process for such neglect by the order of such barons, according to the exigency of the case, which process shall be by writ of *distringas*, to be forthwith, and from time to time, as there shall be occasion, issued out of the said court, on the application of the commissioners for the affairs of taxes, against such of the said commissioners, officers, or persons, who shall have made such failure, upon which writ of *distringas*, the sheriff or other officer to whom the same shall be directed, shall return such issues as the said court shall order at the return of such writ; and immediate process shall thereupon issue for levying the same, out of and under the seal of the said Court of Exchequer, unless the said commissioners for the affairs of taxes shall certify to the said court, if in the term time, or to any one of the said barons, if in the vacation, that the commissioners, officers, and other persons, against whom such writ issued, have complied with the directions of this act, in which case it shall be lawful for such court or baron to cause such process to be respited till a future day, and so from time to time, or to be finally discharged" (a).

But by stat. 59 Geo. III. c. 118, s. 1, no person or persons becoming or who shall have become bankrupt or insolvent shall be liable to be assessed to the duties of assessed taxes, after the fifth of April next after the time of such bankruptcy or insolvency, in respect of any article or articles kept and used for the purposes of trade, at or before the time of such bankruptcy or insolvency, which article or articles shall have been seized or surrendered, and *bonâ fide* sold under or by virtue of such bankruptcy or insolvency, and not kept or used by such bankrupt or insolvent, after the fifth day of April next after such bankruptcy or insolvency: provided that nothing herein contained shall be construed to affect the payment by the assignee or assignees of every such bankrupt or insolvent, and such assignee or assignees shall pay the duties assessed on every such bankrupt or insolvent, at the time of such bankruptcy or insolvency, up to the fifth day of April next after the same shall have happened, as if this act had not been made.

By stat. 5 & 6 Will. IV. c. 20, s. 16, after reciting, that by stat. 4

(a) If the acting commissioners of the land-tax, assessed taxes, &c., refuse (unless indemnified) to proceed to make a re-assessment on the parish to which the deficiency applies, in execution of the powers entrusted to them by the several acts of parliament, where *in super* has been set on the parish whose collector is a defaulter, the court will order them to do so by rule to show cause in the nature of a *mandamus*. (*Ex parte the Inhabitants of the Parish of Wootton, Bedfordshire*, 6 Price, 103.)

If there be two collectors of taxes appointed under the 43 Geo. III. c. 99, s. 13, for a single parish, by the commissioners, one for one division of the parish, called the Upper Parish, and one for another, called the Lower Parish, and they accordingly collect

the taxes separately from the several inhabitants of their respective divisions, in case of a deficiency in the amount of the taxes collected, through the misconduct of either, the whole parish must be re-assessed, and notwithstanding the particular district the collector of which has misappropriated the money, arising from the collection of whose taxes the deficiency arises; although the taxes of the other division have been collected and paid over to the receiver general, the appointment being held by the court to be considered as one appointment of two for the parish, which would be valid under the act, and not of one for each subdivision, which would be invalid. (*Ex parte the Inhabitants of the Parish of Henllan Denbighshire*, 7 Price, 594.)

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.

duties to the receiver-general or his deputy.

Notice of appointment of deputies to be given to commissioners.

Receiver-general to give receipts to collectors, gratis.

Receiver-general to hasten collectors to make payments, and in default to cause the same to be levied by warrant of the commissioners upon the collector's goods.

Collector not obliged to travel above ten miles to make his payments to the receiver-general.

Collector gathering by a false book, or receiving more than is charged in the rate, or fraudulently altering any rate, to forfeit 100l.

If collectors refuse to pay the duties received by them, or to deliver their accounts, the commissioners may imprison them, and seize their estate and effects.

Commissioners seizing collector's estate, &c., to appoint a meeting, giving ten days' notice thereof.

times as shall be appointed for the payment thereof, be paid by the particular collectors who shall collect the same unto the receiver-general now or for the time being appointed by his majesty, his heirs or successors, or by the lord high treasurer for the time being, or the commissioners of the treasury for the time being, or any three or more of them, to receive the same, or the deputy or deputies of such receiver-general, to be appointed under his hand and seal, and whom he is hereby authorized to appoint, and for whom he shall be answerable, whereof notice shall be given by the receiver-general unto the commissioners, or any two or more of them, within their respective districts, within twenty days after the first meeting, yearly, and so from time to time, within twenty days after every death or removal of any deputy, whenever any such shall happen, and the said receiver-general, his deputy or deputies, shall give receipt gratis to the said collectors for all monies by them received in pursuance of such act or acts; and the receipt of such receiver-general, his deputy or deputies, or any of them, shall be a sufficient discharge unto every such collector."

Sect. 49. "That the receivers-general, their deputy or deputies, are hereby empowered and required to call upon and hasten the collectors to make the payments of all sums received by them of such duties as aforesaid, and in default of such payment, to cause the same to be levied by warrant under the hands and seals of any two or more of such commissioners, upon the collectors, by distress and sale of his or their goods and chattels, such sum and sums of money as he or they hath or have received, and as ought by him or them to have been paid and is not paid."

Sect. 50. "That the particular collectors for payment of any sums by them received, unto such receiver-general or his deputy, shall not be obliged to travel above ten miles from the place of their habitations."

And see the sections 39, 40, 41, ante, 31 to 33; sections 43, 44, 45, post, 39, 40.

Sect. 51. "That no collector or collectors of any of the duties herein mentioned shall collect or gather the same by any rate or book, other than such rate and book as shall be signed and allowed by such commissioners as aforesaid, or any two or more of them; and that in case any such collector or collectors shall collect the same by any other rate or book, or shall receive such duties from any person or persons not charged therewith, or shall collect from any person or persons more money than is actually charged in such rate or book, and not pay the whole money by him collected, or fraudulently alter any such rate or book, after the same hath been signed and allowed by such commissioners as aforesaid, every such collector or collectors shall for every such offence forfeit the sum of 100l."

Sect. 52. "That if any such collector or collectors shall neglect or refuse to pay any sum or sums of money which shall be by him or them received as aforesaid, as in and by this act is directed, and shall detain in his or their hands any money received by them or any of them, and not pay the same at such time as by this act is directed, or shall have wilfully refused to give an account to such commissioners as aforesaid, of the sum by him or them collected in manner before directed, the said respective commissioners, or any two or more of them, in their respective jurisdictions, are hereby authorized and empowered to imprison the person and seize and secure the estate, as well freehold as copyhold, and all other estate, both real and personal, of such collector or collectors, to him or them belonging, or which shall descend or come into the hands or possession of his or their heirs, executors, or administrators, wheresoever the same can be discovered and found; and such commissioners who shall so seize and secure the estate of any collector or collectors, shall and are hereby empowered to appoint a time for a meeting of the commissioners for such division, city, town, or place, and there to cause public notice to be given of the place where such meeting shall be appointed, ten days at least be-

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 93.

Commissioners after examination on oath of collector, shall make out schedules of sums discharged from assessments, and sums with which defaulters ought to be charged, and sums which ought to be re-assessed upon the parish, and deliver the same to the receiver-general to be returned into the exchequer, that process may issue.

In default of such schedule, the receiver-general to return the parish insuper.

Collector neglecting to make returns, to forfeit 100l.

Commissioners empowered to seize and sell estates of collectors making default.

Notice of meeting for that purpose.

Proceeds of sale, how disposed of.

affirmations as aforesaid of the collectors, shall ascertain the sums which, according to the provisions of any of the said acts herein mentioned, shall have been discharged from assessment for any cause therein specially allowed; and the said commissioners shall also make out their schedules containing the sums so discharged, and the sums with which each and every such defaulter ought to be charged, and the sums which shall not have been collected by occasion of the collector's neglect, and which ought to be re-assessed on the parish, ward, or place as aforesaid, and shall cause the said several particulars to be inserted in a schedule fairly written on parchment, under the hands and seals of such commissioners, or any two or more of them, containing the names and surnames of the said collectors, and the same to be delivered to the receiver-general, to be returned by such receiver-general into his majesty's said Court of Exchequer, whereupon every person so making default of payment, and each parish, ward, or place, so in default, may be charged by process of court according to the course thereof in that behalf; and, in default of such schedule made out according to the directions of this act, it shall be lawful for the receiver-general, and he is hereby required, to return every such parish, ward, or place insuper, for all sums not paid to the receiver-general, and contained in the duplicate of assessment to him delivered, and all such sums so returned shall in such case be re-assessed on such parish, ward, or place; and all and every the proper officers therein concerned shall, and they are hereby required, to take care, from time to time, that such process be duly issued and made effectual, so that all such sums as shall be in arrear and unpaid as aforesaid, may be speedily recovered and paid into his majesty's exchequer; and if any such collector shall neglect or refuse to make such return in manner before directed, every such collector shall forfeit the sum of 100l."

3 Geo. IV. c. 88, s. 3, enacts, "That if any collector or collectors of the said duties and sums of money aforesaid, or any of them, shall neglect or refuse to pay any sum or sums of money which shall be by him or them received as aforesaid, as in and by the said several acts, or by this act, is directed, and shall detain, in his or their hands, any money received by him or them, and not pay or account for the same in manner directed by the said acts or this act, the commissioners acting in the execution of the acts relating to the said duties, or any two or more of them, in their respective districts, are hereby authorized and empowered to imprison the person, and seize and secure the estate, as well freehold as copyhold, and all other estate, both real and personal, of such collector or collectors, to him or them belonging, or which shall have descended or come into the hands or possession of his or their heirs, executors, administrators, or assigns, wheresoever the same can be discovered and found; and the said commissioners who shall so seize and secure the estate of any collector or collectors, or any two or more of the commissioners acting as aforesaid in the same district, shall and are hereby empowered to appoint a time for a meeting of the commissioners for such division, city, town, or place, and then to cause public notice to be given of the place where such meeting shall be appointed, ten days at least before such meeting; and the commissioners of such division, city, town, or place, present at such meeting, or the major part of them, in case the accounts of such collector be not duly delivered, or the monies detained by any such collector or collectors be not paid or satisfied, as ought to be done, according to the directions of the said acts or of this act, shall be and are hereby empowered and required to sell and dispose of all such estates which shall be, for the cause aforesaid, seized and secured, or any part of them, to satisfy and pay into the hands of the receiver-general the sum that shall not be so accounted for, or shall be so detained in the hands of such collector or collectors, their heirs, executors, or administrators respectively, together with the reasonable costs and charges of recovering, raising, and paying the same, which costs and charges shall be ascertained and settled by the

1. The Acts relating to Management of Commissioners. certificate, shall cause the same to be inrolled in his office, and such inrollment shall be and be deemed a record in his office as valid and effectual to authorize the issuing of any process or processes in the law against the county, division, parish, ward, or place, and the person or persons, so rendered chargeable, and to and for all other intents, constructions, and purposes whatsoever, as if such county, division, parish, ward, or place, or person or persons, had been actually returned insuper in any declared account duly inrolled as of record in the office of the said remembrancer."

5 & 6 W. IV. c. 20. Sect. 13. "And whereas by an act passed in the forty-third year of the reign of king George the Third, intituled 'An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same,' it is enacted, that the commissioners of taxes shall make out their schedules containing the sums discharged from assessment for any cause specially allowed by law, and the sums with which each and every defaulter ought to be charged, and the sums which shall not have been collected by occasion of the collector's neglect, and which ought to be re-assessed on the parish, ward, or place, and shall cause the said several particulars to be inserted in a schedule fairly written on parchment under the hands and seals of such commissioners, or any two or more of them, containing the names and surnames of the said collectors, and the same to be delivered to the receiver-general, to be returned by such receiver-general into his majesty's Court of Exchequer, whereupon every person so making default of payment, and each parish, ward, or place so in default, may be charged by process of court according to the course thereof in that behalf: and whereas it is expedient that such schedules as aforesaid should be deposited and remain with the said commissioners of stamps and taxes at their head office; be it therefore enacted, That all such schedules as aforesaid which shall be made out at any time after the commencement of this act shall be delivered over or transmitted by the receiver-general, receiving inspector, or other receiver to whom the same shall have been delivered, to the commissioners of stamps and taxes, and shall be deposited and remain in the head office of the said last-mentioned commissioners; and the production of any schedule so deposited and purporting to contain the name or names of any such defaulter or defaulters as aforesaid shall be conclusive evidence against any person named therein as making default of payment, and against every parish, ward, or place named therein as in default, of the sum or sums mentioned in any such schedule being due and owing and in arrear and unpaid to his majesty, his heirs and successors, unless payment thereof shall be proved; and every such sum shall be recoverable from the person and persons making default of payment thereof as a debt upon record to the king's majesty, his heirs and successors, with full costs of suit, and all charges attending the same."

Parchment duplicates of assessments not to be transmitted to the king's remembrancer.

Sect. 14. "So much and such part and parts of any act or acts in force as require the commissioners for the affairs of taxes to transmit to the king's remembrancer in England the parchment duplicates of assessments of the land-tax or assessed taxes, shall be and the same are hereby repealed: provided always, that such duplicates shall continue to be furnished and transmitted to the commissioners of stamps and taxes in the manner directed and required by the laws in force, and the

(a) Arrears of assessed taxes cannot be recovered by information in the nature of a popular action of debt, under the 4 3 Geo. III. c. 99, s. 45, and this 13th section of 5 & 6 Will. IV. c. 20, because of the words in the 13th section, which provides that the amount "shall be recovered from the

person and persons making default of payment thereof, as a debt upon record to the king's majesty." The proceedings ought to be by *scire facias* or *extent*, or information upon the record itself. (*Attorney-General v. Sewell*, 4 M. & W. 77; 6 Dowl. P. C. 673; 8 C. & P. 376.)

*1. The Acts
relating to Ma-
nagement of
Commissioners.*

1 Vic. c. 61, s. 3.

and successors; or by any other ways or means whereby any debt or record or otherwise due to the queen's majesty, her heirs or successors, can or may at any time be sued or prosecuted for or recovered, as well as by the summary means specially provided by the said acts or any of them for levying the said duties; and in any proceeding for the recovery of any of the said duties, the production of any schedule made or purporting to be made in pursuance of the said act in that behalf, passed in the forty-third year of the reign of King George the Third, and purporting to contain the name or names of any such defaulter or defaulters as aforesaid, shall be sufficient evidence of the sum or sums mentioned in any such schedule having been duly charged and assessed upon such defaulter or defaulters respectively, and of the same being due and owing, and in arrear and unpaid, to her majesty, her heirs and successors."

See the other provisions of this statute, *post*.

8. PROVISIONS FOR ENFORCING THE ACT.—PENALTIES, PROTECTION TO OFFICERS, &c.

43 Geo. III. c. 99.
Constables, &c.
to be aiding, &c. in
the execution of
this act.

Persons obstruct-
ing officers to
forfeit 50*l.*

Officers to follow
instructions, &c.
of commissioners
of the treasury.

Application of
penalties sued for
within twelve
months.

Attorney-general
may stay proceed-
ings.

Recovery and ap-
plication of pen-
alties not sued for

43 Geo. III. c. 99, s. 59. "That all constables, headboroughs, tithing-men, and other his majesty's officers, shall, and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and of every act or acts for granting duties to be assessed under the regulations of this act, and to obey and execute such precepts and warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any two or more of them."

Sect. 60. "That if any person or persons shall, at any time hereafter, wilfully obstruct any assessor or assessors, collector or collectors, surveyor or surveyors, inspector or inspectors, in the due execution of his or their said office or offices, duty or duties respectively, such person or persons shall, for every such offence, forfeit the sum of 50*l.*"

Sect. 61. "That the said receivers-general, their deputy and deputies, surveyors, inspectors, and all other officers and persons who shall be employed in the execution of this act, or any act or acts for granting duties to be assessed under the regulations of this act, shall observe and follow such orders, instructions, and directions, as they shall from time to time receive from the said commissioners of the treasury, or any three or more of them, now or for the time being, or the high treasurer for the time being."—And see sects. 67, 68, *post*, 46.

Sect. 62. "That one moiety of all pecuniary penalties and forfeitures imposed by this act, or any act or acts for granting duties to be assessed under the regulations of this act, may, if sued for within the space of twelve calendar months from the time of such penalties being incurred, in manner herein next mentioned, be to his majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform or sue for the same within the time aforesaid, except where any penalty is or shall be directed to be paid to the use of the poor of any parish; and all such penalties may be sued for in his majesty's Court of Exchequer at Westminster, for offences committed in England or Berwick-upon-Tweed, or in the Courts of Great Sessions in Wales, for offences committed in Wales, by action of debt or information, wherein no essoign, protection, privilege, wager of law, nor more than one imparlance, shall be allowed; but nevertheless it shall be lawful for his majesty's attorney-general, in case it shall appear to his satisfaction that any penalty or forfeiture was incurred without intention of fraud, to stay all further proceedings in such suits or prosecutions, by entering a *noli prosequi*, or otherwise, with respect as well as to the share of such penalty or forfeiture claimed by such informer or informers, as to the share thereof belonging to his majesty."

Sect. 63. "That any such penalty or forfeiture shall be recoverable in the name of his majesty's attorney-general, on the part of his majesty, by information in the Court of Exchequer at Westminster; and in default of

1. The Acts relating to Management of Commissioners.

43 Geo. III. c. 99.

* Sic in act.

Indictments for perjury, where to be tried.

Books of assessments and all other books and papers relative to the duties to be the property of the commissioners of districts for the time being, and in succession.

Persons having any books or papers relating to the duties, to deliver same to persons appointed by commissioners of taxes, under penalty of 50l.

Persons receiving same to deliver them to such of the commissioners for executing this act as the commissioners of taxes shall direct.

Commissioners executing this act not liable to penalties in the 25 Car. 2, c. 2, s. 69.

commissioners for executing this act, or any of them, touching a matter or thing within the intent and meaning of this act, or any act for granting duties to be assessed under the regulations of this act be prosecuted for the same; every such person or persons convicted thereof shall be subject and liable to the same punishment disqualifications as persons are subject and liable to for wilful perjury, by the laws and statutes of the realm of England.'

Sect. 66. "That any indictment or information for perjury co in any such examination, affidavit, or deposition whereon the said be made, shall and may be laid, tried, and determined in the place where the same shall be exhibited to the commissioners in pursu this act, or the said act or acts before mentioned."

Sect. 67. "That all and every the duplicates of the several assessments which have been or shall be made and delivered to the respective assessors of the said several duties, to the commissioners in their division or place, or to their respective clerks for the time being, as are or shall be in the custody, keeping or possession of such assessors or clerks respectively, and all minute-books, and other public and papers relating to the said several duties, in the custody, keep possession of any such clerk or clerks, who hath or have been, or removed from such office or offices, or in the custody, keeping, or possession of the executors, administrators, or other legal representative person or persons who hath or have died, or shall die during his holding such office or offices, or after his or their removal from the same, or in the custody, keeping, or possession of his or their representative or attorney, or of any other person or persons soever, so deemed, and are hereby declared to be the property of the commissioners of the said several duties, acting in the respective divisions or places of the time being, and in succession, as records of and belonging to the said commissioners, for their use and inspection, and shall be and deposited with and remain in the custody, keeping, and possession of them the said commissioners, or their respective clerks for the time or such other person as the said commissioners, or any two of them, for the time being, shall from time to time at their request order, direct, or appoint."

Sect. 68. "That all and every person and persons whatever, now or any time hereafter, having in his or their custody, keeping, or possession any such books or papers aforesaid, relating to the said several duties of this act mentioned, shall, within the space of one calendar month from the service of notice in writing, signed by three or more of the commissioners for the affairs of taxes (a true copy thereof being given to or left at the place of abode of such person or persons), deliver and give up such books and papers unto such person or persons as the said commissioners for the affairs of taxes by such notice shall order and appoint; and receipt of the same shall be a good and sufficient discharge to such person or persons so delivering such books and papers; and if a person or persons now or at any time hereafter having in his or their custody, keeping, or possession, any such books or papers, shall neglect to deliver the same within the time limited by such notice demand made, he or they shall for every such offence forfeit and pay a sum of 50l.; and all such books and papers shall be delivered by such person or persons so appointed to such of the commissioners for the affairs of taxes as the said commissioners for the affairs of taxes shall think proper, for the effectual and speedy execution of the powers granted by this act."

Sect. 69. "That no such commissioner or commissioners, will be employed in the execution of this act, or any act or acts for the execution of which duties to be assessed under the regulation of this act, shall be liable, or by reason of such execution, to any of the penalties mentioned in this act, made in the twenty-fifth year of king Charles the Second, for joining of dangers which may happen from popish recusants."

1. The Acts authorities reposed in me as a commissioner, by an act passed in the forty-third year of the reign of king George the Third, intituled ' An Act' [here insert nagement of the title of this act], or by any other act or acts, granting to his majesty any Commissioners. duties to be assessed under the regulations of the said act; and that I will judge and determine upon all appeals, and all other matters and things, which shall be 43 Geo. III. c. 99. brought before me as a commissioner under the said acts, or any of them, without favour or affection.

" So help me God."

SCHEDULE (B.)

" The Form of the Oath or Affirmation required to be taken by Assessors before they act in Execution of this Act.

" I, A. B., do swear [or affirm, as the case may require], that I will diligently execute the office of an assessor, to which I am appointed by authority of an act passed in the forty-third year of the reign of king George the Third, intituled ' An Act' [here insert the title of this act]; and that, in the assessment which I am required to make by any other act or acts, granting to his majesty any duties to be assessed under the regulations of the said act, I will faithfully and honestly act, without favour or affection, according to the best of my skill and knowledge."

" So help me God."

Forms.

Forms of Information, Summons, and Conviction, against a Collector of Taxes, for Neglect of Duty, on the 43 Geo. III. c. 99, s. 16, ante, p. 12; and 3 Geo. IV. c. 88, s. 2, ante; and 3 Geo. IV. c. 23, ante.

1. Information.

1. Information.

County of } The information and complaint of A. B., of , in the parish _____ } of , in the county of , Esq., made on oath before us, E. F. and G. H., Esqrs., two [or, me, I. K. Esq., one, &c., according to the 3 Geo. IV. c. 23, s. 2] of the commissioners for executing in the said county the several acts relating to the duties of assessed taxes, appointed to act as such commissioners [or, commissioner, as the case may be] in the district [or as the case may be] of , in the said county, on the day of , in the year of our Lord one thousand eight hundred and ; who says that L. M., of the parish of , aforesaid [yeoman], being one of the collectors of taxes duly appointed in and for the said parish of , in the said county, from the [fifth] day of [April], one thousand eight hundred and , to the [fifth] day of [April] following, and having taken upon himself the said office, did neglect his duty as said collector; for that he, the said L. M., on, &c. [state the facts complained of, following as nearly as possible the words of the statute which created the offence, and showing such offence], contrary to the statute in that case made and provided; for which offence, and by which neglect of duty, he, the said L. M., hath forfeited a sum not exceeding 20l., to be distributed as the statute directs. Whereupon the said A. B. prays the judgment of us [or, two of], the said commissioners of taxes, in the premises, and that the said L. M. may be summoned to answer the premises before us [or, two of], the said commissioners.

Exhibited and sworn before us, E. F. and G. H.
[or, me, I. K., as the case may be].

A. B.

2. Summons thereon.

County of } To L. M., of , in the parish of , in the county of .

Whereas information and complaint have been made before me, I. K., Esq., one [or, if before two commissioners, say, us, E. F. and G. H., Esqrs., two] of the commissioners for executing the several acts relating to the duties of assessed taxes, and appointed to act as such commissioner [or, commissioners, as the case may be] in the district of [or as the case may be], in the said

2. Summons thereon.

Forms.

who informed the said commissioner [or, commissioners] of the said offence, to be paid to the said A. B. by the receiver-general for the said county of ; and we do hereby assess the said sum of [5l.] upon the said L. M., and charge and require the same to be charged in the assessment of the said parish of , according to the directions of the statute, to be levied in like manner as the duties of assessed taxes; and which adjudication and assessment we do hereby certify to the commissioners of taxes, as the act directs. Given under our hands and seals, at , in the said county, this day of , in the year of our Lord one thousand eight hundred and

E. F.
G. H.

See further, acts 1 & 2 Will. IV. c. 18; 4 & 5 Will. IV. c. 60; 5 & 6 Will. IV. c. 20.



II. The Acts regulating the Assessments and Collections, &c. (a).

[48 Geo. III. c. 141; 50 Geo. III. c. 105.]

These several provisions may be arranged under the following heads:—

1. *Of the Appointment of Assessors, and when Collectors may act in their place*, p. 50.
2. *Of Services of Notices*, p. 51.
3. *Of Certificates of Assessment and Estimates*, p. 52.
4. *Of Surcharges*, p. 54.
5. *Rules and Directions for paying to the Receiver-General, and accounting for the Duties received by the Collectors*, p. 65.
6. *Of the Inspectors-General*, p. 67.

Assessors shall be appointed, and duties assessed according to the following rules.

The 48 Geo. III. c. 141, s. 1, after reciting, that "whereas it is expedient that certain of the powers and provisions for assessing and collecting the duties under the management of the commissioners for the affairs of taxes in Great Britain, should be varied and amended in the particulars hereinafter mentioned," enacts, "That from and after the period appointed for the commencement of the rules contained in this clause, all appointments of assessors shall be made, and also all notices required to be affixed on any place, or to be delivered to or served on any person or persons for the purpose of returning or estimating the said duties respectively, shall be affixed, delivered, or served, and all assessments of the said duties, or any of them, shall be returned, estimated, ascertained, and made, and the said duties shall be collected, levied, paid over, and accounted for, under and subject to the following rules and directions, which shall be deemed a part of this act, as if the said rules and directions had severally and respectively been inserted herein under a special enactment."

"No. I.—Rules and Directions for appointing Assessors of the Duties under the Management of the Commissioners for the Affairs of Taxes, after the Expiration of the Year 1808."

Assessors shall be appointed before the 6th of April yearly.

"First.—It shall be lawful for the respective commissioners acting in the execution of the several acts relating to the said duties respectively, and they are hereby respectively required to appoint assessors for each parish, ward, and place within their respective divisions, before the commencement of each year for which such appointment shall be made, and to do and complete all acts necessary to such appointment, so that the assessors to be appointed may enter on their office on the 6th day of April in each year, pursuing, in all other respects, the directions contained in the said acts respectively in relation to such appoint-

(a) See general division of the subject, ante, p. 3.

2. The Acts regulating the Assessments and Collections, &c.

48 Geo. III. c. 141.

Time of delivery.

Assessors and collectors shall observe the directions of inspectors and surveyors.

Time of delivering certificates of assessment.

For making assessments in default of return.

First assessment shall be made without including matters of surcharge.

persons for the purpose of returning or estimating the said duties respectively, shall be delivered by the respective surveyors of the districts in which such notices are required (or by the inspectors for the same districts, or by any other inspectors or surveyors of the same duties, duly authorized to take charge of such districts respectively, by or under the commissioners for the affairs of taxes, or any three or more of them) to the respective assessors appointed or acting in pursuance of this act, or to the respective collectors on whom the duty of assessor shall have devolved as aforesaid, for the purpose of serving the same on the respective persons liable to the said duties, in the manner required by the said acts."

"Second.—All such notices shall be delivered to such assessors or collectors as aforesaid, on or as soon after the 6th day of April in each year as the same can be done; and the delivery of such notices by such inspectors or surveyors, or any of them, shall be as effectual as if the same had been delivered by the commissioners of the division according to the directions of the said acts."

"Third.—The said assessors and collectors respectively are hereby required to observe such directions as may from time to time be given to them by the said inspectors and surveyors, in all matters touching the time and manner of fixing or delivering or otherwise serving such notices, and the persons on whom the same are to be served, such directions having been previously seen and allowed by the commissioners acting for the division in which the said inspector or surveyor shall act."

"No. III.—Rules and Directions for making and returning the Certificates of Assessment, or Certificates of Estimates, by Assessors acting under the said Acts, and for making and collecting the First Assessments in each Year."

"First.—The assessors of the said respective duties shall deliver their certificates to the respective commissioners on or before the day which such commissioners shall appoint for that purpose yearly, which day so to be appointed for the delivery of the certificates of assessment of the duties of assessed taxes shall not be later than the 20th day of June in each year of assessment; and the day to be appointed for the delivery of the certificates of estimates of property, or profits of professions, trades, and offices, shall not be later than the 20th day of July in the same year, on which days respectively the said assessor shall also deliver to the respective commissioners all the returns or statements relative to the said respective duties made to the said assessors before the respective days so appointed; and all the returns and statements made by the parties to be charged, which shall be delivered after that day, shall be delivered to the respective commissioners."

"Second.—In all cases relating to the duties of assessed taxes, where the assessor or assessors shall not have received any return from any person or persons liable to be charged to the said duties, it shall be lawful for such assessor or assessors, and he and they is and are hereby required, to make a true assessment on such person or persons, to the best of his or their information and judgment, of the real charge which ought to be imposed; and in all cases relating to the duty on property, professions, trades, and offices, where the respective assessors shall not have received any statement from any party or parties liable to be charged to the said duties, it shall be lawful for the said assessor or assessors to estimate the property of such parties respectively, and the profits arising from any professions or trades exercised, or any offices held by such parties respectively, according to the best or his or their information and judgment; and in case the said assessor or assessors shall not so estimate the property or profits of any such party or parties who shall not have made a return for that year, then such assessor or assessors shall return to the said commissioners the name and place of residence of every such party; and where the respective commissioners shall also not have received any statement, it shall be lawful for the said respective commissioners to make an assessment on such party or parties either in the said sums respectively, and to the same amount, as the said parties respectively were charged in the last assessment of the said duties for the said division, or according to the best of their judgment, subject to alteration by appeal or surcharge, in the manner directed by the acts relating to the said duties."

"Third.—The first assessments to be made of the said duties or any of them, for any year, shall be made according to the estimates or returns and assessments mentioned in the preceding rule, without including therein any matters

*2. The Acts
regulating the
Assessments
and Collec-
tions, &c.*

42 Geo. III. c. 141.

*Time of deliver-
ing duplicates of
first assessment.*

*Cases not then
determined to be
added to first
assessment.*

*Time of making
surcharges.*

*Time of making
appeals from sur-
charges.*

*Supplementary
assessments to be
made on the sur-
charge or ap-
peal.*

proved before the respective commissioners on the oath or solemn affirmation of the party, it shall be lawful for the respective commissioners to enter such appeal after the time herein limited, or to postpone the hearing thereof for such reasonable time as shall be necessary, so that no delay shall be thereby occasioned in the payment or collection of the sums contained in the said first assessment."

"Seventh.—The said respective commissioners shall cause to be delivered to the respective collectors their duplicates of the first assessment, including in such duplicates as well all such matters as have been appealed against and determined by the said commissioners, as all such matters as have been assessed and not appealed against; and all such duplicates shall be delivered within the respective times hereinafter limited; that is to say, the duplicates of the duties of assessed taxes on or before the 20th day of September yearly, and the duplicates of the duties on property, professions, trades, and offices, on or before the 20th day of December yearly, to which duplicates respectively warrants shall be annexed for collecting the duties therein contained, within the times respectively before prescribed."

"Eighth.—All such assessments which shall not have been made on or before the 20th day of September, in respect of the duties of assessed taxes, and the 20th day of December, in respect of the duties on professions, trades, and offices, or against which any appeal shall be depending on those days respectively, shall, on the making or determining the same from time to time, be added to such first assessments and to the respective duplicates thereof; and the duties therein, or the moietyes thereof which ought to have been previously collected or paid, shall be collected, levied, or paid, on or before such day or days as the respective commissioners shall order by their warrant annexed to the duplicates of such added assessments, such day not being later than twenty-one days after the making such assessment, or determining the appeal thereon."

"No. IV.—Rules and Directions for making and collecting the Supplementary Assessments in each Year."

"First.—If any inspector or surveyor shall have surcharged any person or persons for any matter or thing for which a surcharge is allowed by the acts relating to the said duties respectively, it shall be lawful for such inspector and surveyor to deliver his or their certificates of surcharge, explicitly stating the particulars in respect to which such surcharge has been made, to the respective commissioners in respect of the duties of assessed taxes, at any time on or before the 15th day of December in each year of assessment for the whole of such year, and in respect of the duties on property, professions, trades, and offices, at any time after the time herein prescribed for making the first assessments of the said duties for that year, and from time to time until the commissioners shall have completed all the assessments of their division for that year, and shall have delivered, in the manner directed by the said acts, the duplicates thereof, and the same shall have been entered of record in his majesty's Exchequer, which certificates of surcharge shall be signed and allowed by two of the respective commissioners, under the restrictions, and subject to appeal under the conditions prescribed by the said acts respectively."

"Second.—All appeals against such surcharges relating to the duties of assessed taxes shall be heard and determined by the commissioners of the division, or any two or more of them, between the 20th day of January and the 20th day of February following; and all appeals against such surcharges relating to the duties on property, professions, trades, and offices, shall be heard and determined according to the directions of this act before prescribed, in respect of appeals against the first assessments of the same duties by the respective commissioners: provided always, that in every case where the party surcharged shall have been prevented by absence or sickness, or other sufficient cause, to be proved before the respective commissioners on the oath or solemn affirmation of the said party, from appealing within the time herein limited, or from attending in person at the time limited for hearing such appeals, it shall be lawful for the respective commissioners to enter such appeal after the time herein limited, or to postpone the hearing thereof for such reasonable time as may be necessary."

"Third.—The said certificates of surcharge, amended according to the determination of the respective commissioners, shall be a sufficient authority to them, and they are hereby required, to cause supplementary assessments to be made

out of the said duties respectively, including therein all matters so surcharged, 2. *The Acts* as well such matters as have not been appealed against, as the matters determined by the said commissioners, which matters shall be severally charged to *Assessments* the said duties respectively, according to the said certificates of surcharge, and Collected, in cases requiring amendment, according to the determination of the *commissions, &c.* said commissioners, and also including therein the double duties or moietyes, or parts thereof assessed, over and above the rates of duty prescribed by the said acts respectively, and also all fines and penalties imposed on any person or persons by the said respective commissioners, within the year of assessment, for offences committed against the said acts or this act; which double duties or moietyes, or parts thereof, and penalties, shall severally and respectively be added to such supplementary assessments, and be collected therewith."

"Fourth.—The duties and sums of money contained in the supplementary assessments of each year, which shall be completed within the time herein limited, shall, if not sooner paid or satisfied according to the directions of the said acts respectively, be collected and levied at the respective times hereinbefore appointed for payment of the last instalment of the duties contained in the first assessments of the said duties respectively for that year; and each assessment thereof shall be collected, levied, or paid in one sum."

"Fifth.—In all cases where the said duties, or any of them, shall not have been ascertained and assessed before the respective days appointed by this act for payment of the last instalment thereof, the same respectively shall and may be assessed from time to time, until a complete assessment be made, and shall be collected, levied, or paid in one sum within twenty-one days after notice of the amount contained in the assessment thereof."

"Sixth.—If any inspector or surveyor shall wilfully make any false and vexatious surcharge of any of the duties contained in any of the said acts, or shall wilfully deliver, or cause to be delivered, to the respective commissioners for executing the said acts or any of them, any false and vexatious certificate of surcharge of any of the said duties, every such inspector or surveyor shall be liable to forfeit to the party aggrieved any sum not exceeding 100*l.*, or treble the value of the sum claimed by such surcharge, over and above the rate of duty charged by the said acts respectively, to be recovered by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster for offences committed in England, and in the Court of Great Sessions for offences committed in Wales, with full costs of suit; and it shall be lawful for the party aggrieved to sue either for the said penalty of 100*l.*, or for the said treble value under this act, at his or her election; and it shall also be lawful for the judge before whom such inspector or surveyor shall have been convicted of such offence in any such suit, either for the said penalty or treble value, or any part thereof, by indorsement on the *postea*, or for the court before whom such inspector or surveyor shall be convicted, by entry on the record, to certify his or their satisfaction with such conviction; and in every such case the said certificate shall be an authority to the commissioners for the affairs of taxes, and they are hereby required, to cause to be paid by the receiver-general of the county, riding, or division wherein such conviction was had, out of any monies of the said duties respectively in his hands, such reasonable expenses as the plaintiff shall have incurred, over and above the costs of suit as aforesaid, the amount thereof being certified by the proper officer for taxing costs of the court in which such suit shall be commenced, to have been necessarily expended, and allowed by such officer as between attorney and client; and every such inspector and surveyor shall, after such conviction, be discharged from his employment."

By the 50 Geo. III. c. 105, s. 1, after reciting, that "whereas it is expedient that certain of the powers and provisions contained in any act or acts relating to the duties of assessed taxes, or to the duties arising from the profits of property, professions, trades, and offices, should be extended, in the particulars hereinafter mentioned," it is enacted, "That from and after the passing of this act, the several surveyors and inspectors appointed or to be appointed by his majesty in pursuance of the said acts, to carry into execution the powers therein given to them, in that part of Great Britain called England, shall, in making any increase of duty either on the returns of parties or the estimates of assessors or the assessments made by commissioners under the said acts, observe the following rules and directions for their government, and shall be subject to the several

*2. The Acts
regulating the
Assessments
and Collec-
tions, &c.*

50 Geo. III. c. 105.

*Surveyors, &c. to
examine returns
and assessments,
and amend them,
&c.*

provisions therein contained; which rules and directions shall be of the like force and effect as if the same were herein inserted under a special enactment."

"Rules and Directions for making Objections and Charges, and for limiting the Times of making the same in certain Cases, in that Part of Great Britain called England."

"First.—Every surveyor and inspector appointed, or to be appointed, in pursuance of the said acts, or any of them, shall be, and they are hereby empowered and strictly enjoined and required to inspect and examine all and every the returns of lists, statements, declarations, accounts, or estimates, made by any person or persons chargeable to the said duties, or any of them, or by any assessors of any of the said duties, according to the directions of any act or acts before mentioned, and also all and every the first assessments of the said duties, or any of them, made for any parish, ward, or place, for any year, as well before as after the respective commissioners acting in the execution of the said acts respectively shall have signed and allowed the first assessments made for such parish, ward, or place, for that year; and if he or they shall discover any error or wrong amount or computation of duty therein, or that any person who ought to be charged with the said duties, or any of them, shall have duly made a return as required by the said acts respectively, but shall have been omitted to be charged with the said duties, or any of them, or shall be under-rated in the said first assessment, and that the said return doth contain matters sufficient, whereby the said surveyor or inspector may rate such person, in the said first assessment, to the full duties chargeable upon him or her, according to, or by or from such return, it shall be lawful for the said surveyor or inspector, and they respectively are hereby required, before such allowance, to correct and amend such assessments, and to charge such person to the full amount and at the full rate of duty at which he or she ought to be charged, according to his or her return so delivered.

*After allowance of
assessments sur-
veyor to certify
omissions to
commissioners, by
way of surcharge.*

"Second.—If any such surveyor or inspector shall, after any such assessment or assessments in respect of the duties of assessed taxes shall be signed and allowed by the said commissioners, or if any such surveyor or inspector shall, after any such assessment or assessments, in respect of the duties arising from the profits of property, professions, trades, or offices, shall be signed or allowed by the commissioners acting for the general purposes of the acts relating to the said duties, find or discover, upon his survey or examination, or otherwise, that any person liable to the said duties, or any of them, in respect of which such lists, statements, accounts, or estimates, as aforesaid, ought to have been delivered, hath not made any return as by the said act or acts is required, or hath omitted any person, or any property, or profits, or the amount or value thereof, or any article, matter, or thing, or any description of the same which ought to have been returned, or hath not returned the full amount of value of any property, or profits, as required by any of the said acts, so that he or she shall not, on account of such default or omission, have been charged to the amount which ought to be paid by him or her, or that any exemption, allowance, or deduction, which is not allowed by the respective acts relating to the said duties, shall have been claimed in or by such return, then, and in every such case, it shall be lawful for the said surveyor or inspector to certify the same in writing, together with an account of every such default, omission, or claim, with the name or description of the person or thing not returned or omitted, to the best of his knowledge and belief, and the full amount of the single duty by which the assessment ought to be increased, explicitly stating the particulars in respect of which such charge has been made, and to deliver the same to any two or more of the said commissioners for putting in execution the said acts respectively, or to their clerk, in order to have such default, omission, or claim, and the under-rate occasioned thereby, rectified; and such commissioners are, upon the delivery of any such certificate, and upon oath being first made either by the inspector or surveyor, or any other credible witness or witnesses who shall have served the same, that a notice to the effect hereinafter mentioned was duly served, required to sign and allow the said certificates, and to cause supplementary assessments to be made according to such certificates, subject to appeal as hereinafter is allowed."

*On delivery of
certificate, and
oath made that
notice was given,
commissioners to
allow certificates.*

*Lists to be de-
livered to survey-*

"Third.—Every person in whose custody any such lists, statements, accounts, or estimates, shall be, shall and is hereby required, upon the request of

2. The Acts regulating the Assessments and Collections, &c.

50 Geo. III. c. 106.

Surveyor may certify same, and party shall be charged at single duty.

If dissatisfied may state objection.

Notice of objection.

Declaration to contain satisfactory excuse of party, and to be attested by credible witnesses.

How, on charges for omission in return, double duty may be avoided.

to be delivered, be charged to the said duties respectively the full sum at which he or she ought to be charged by virtue of the said act or acts ; provided, that to every such list, statement, account, or estimate, there shall be annexed a declaration in writing in the form and to the effect hereinafter mentioned ; and if the said surveyor or inspector shall be satisfied with such list, statement, account, or estimate, and the declaration annexed thereto, then he shall certify such return and declaration annexed thereto to two or more of the said commissioners, with the amount of the duty to be charged, who shall thereupon cause the assessment to be made according to such certificate, and the same rate of single duty, as set forth in the said several acts respectively, to be charged on the person making such return without further trouble or delay ; but if, upon examination of such list or return, and declaration annexed thereto, the said surveyor or inspector shall see just cause to object thereto, he shall thereupon certify such return and declaration annexed thereto, together with the cause of his objection, to two or more of the said commissioners, who shall thereupon cause the assessment to be made according to such last-mentioned certificate in double the amount of the duty at which he or she shall be charged, and from which charge no abatement shall be made on any pretence, unless on appeal as hereinafter directed ; of which objection notice shall be given by the surveyor or inspector to the person to be charged thereby, together with the cause of his objection to the said return and declaration to be annexed thereto ; and the said commissioners shall determine the said objections on the merits, without further notice of appeal from the party so charged."

" Ninth.—Every such declaration, in cases where no return hath been previously made by the person so charged for the same year, shall allege and declare in substance, or to the effect as follows ; (that is to say) that he or she, the said exhibitant, was not at his or her dwelling-house, or other place of abode, at the time appointed for the fixing or delivery of general or other notices for making a return as required by the said act or acts, nor between that day and the time limited for making such return to the assessor, and that he or she hath not received or had any knowledge of any such notice ; or, that he or she was disabled by sickness from making such return ; or, that the non-delivery of such return was occasioned by the following mistake or accident, without any intention to defraud the revenue, *videlicet [here set forth the cause of such default]* ; and that the return to which the declaration of the said exhibitant is annexed is a full, perfect, and complete return of all matters and things required of the said exhibitant by the said act or acts, or by this act, to the best of his or her judgment and belief ;—which declaration and return shall severally and respectively be signed by the party making the same, in the proper name and hand-writing or sign of the said party, attested by any one or more credible witness or witnesses, who shall have seen the said party subscribe or sign the same, and shall attest the signature thereof in the proper names and hand-writing of the said witness or witnesses respectively ; provided every such witness shall be an inhabitant of the same ward, parish, or place where the said party shall reside, and who shall be rated in the assessment of the same duties for the same ward, parish, or place aforesaid, or if in any place there shall be no inhabitant competent to be such witness, then the said declaration shall be attested by some credible witness rated as aforesaid, and residing in the next adjoining parish where the said party shall reside."

" Tenth.—It shall be lawful for any person to whom such notice of charge shall be served, on occasion of his or her having omitted in the return before made for the same year, any person, property, profits, description, statement, account, or estimate, or any article, matter, or thing which ought to have been contained in such former return, or which shall be mentioned in such notice of charge not to be contained in such former return, or of having claimed any exemption, allowance, or deduction, not allowed by the said act or acts respectively, or of having returned the amount or value of any property or profits at less than the sum which ought to be returned according to the said acts respectively, if he or she shall consent or agree to such charge, to give notice in writing of his or her consent accordingly to the said surveyor or inspector ; and the said surveyor or inspector shall certify such consent, and the amount of the single duty which ought to be charged, to the said commissioners, according to which certificate the party charged, and consenting thereunto, shall be assessed in the single duty, and such consent shall be deemed equivalent to an amended return and declaration, as required by this act ; or such person so charged, if he or she shall not

*2. The Acts
regulating the
Assessments
and Collections,
&c.*

50 Geo. III. c. 105.
Appeal.

Production of
lists, &c.

Charges con-
firmed in default
of production.

Assessments
made in double
duty, &c.

In what case
double duty
remitted.

Double duty re-
mitted where
default has been
corrected by re-
turn.

Moley of double
duty remitted
where default not
fraudulent.

any penalty or penalties imposed by any former act or acts, against such surveyor or inspector for any such offence or offences as aforesaid, or for any false and vexatious charge of any of the said duties; but all such penalties, and the powers for recovery thereof, shall be and remain in force, notwithstanding the powers of this act, or any act or thing done in pursuance thereof."

"Fourteenth.—Where any person or persons, thinking himself, herself, or themselves respectively overcharged or over-rated by any charge or certificate of objection by any surveyor or inspector as aforesaid, or by any assessment to be made by virtue or in pursuance of such charge or certificate, shall have appealed therefrom to the said commissioners, according to the directions of the said acts respectively, the appellant shall, upon the hearing such appeal, in all cases where a list, statement, account, or estimate in writing, shall or ought to have been delivered by the said appellant to the assessor, produce, or cause to be produced, before the said commissioners, a true, perfect, and complete list, statement, account, or estimate, as the case may require, to the best of the judgment and belief of the said appellant, with a declaration in writing thereto annexed, to the effect hereinafter mentioned; (that is to say,) the said appellant shall declare that the list, statement, account, or estimate, to which the said declaration is annexed, doth contain all matters and things required of the said appellant to be returned by him or her, for which he or she is chargeable by virtue of any act or acts, to the best of his or her judgment and belief; which return and declaration shall severally and respectively be signed by the said appellant in the proper name and hand-writing of the said appellant; and in default of the production of such list, statement, account, or estimate, by or on behalf of the said appellant, with such declaration annexed, the said commissioners shall confirm the charge or objection against which such appeal was made."

"Fifteenth.—Upon every charge allowed or confirmed by the respective commissioners, in the whole or in part, upon which any increase of duty shall be made, the assessments thereupon shall be made in double the amount of duty which shall have been charged in the supplementary assessments on occasion of such charge, unless where the same is otherwise provided for by this act."

"Sixteenth.—Where an amended return, with a declaration annexed thereto, shall not be delivered to the surveyor or inspector, and where no list, statement, account, or estimate with such declaration annexed as aforesaid shall be produced to the said commissioners on the hearing of such appeal, it shall not be lawful for the said respective commissioners to make any abatement, defalcation, or remission of the said double duty or any part thereof, but the same shall stand good and remain part of the annual assessment; unless the party charged shall have given notice of his or her consent to the charge of the said surveyor or inspector, or unless the said respective commissioners shall be of opinion that the said surveyor or inspector was or were enabled to correct or amend the first assessments of the said duties for that year, according to the directions of this act, by means of or by reference to the original return of the party so charged, in which cases it shall be lawful for the said commissioners who shall have confirmed such charge at the same time to remit and strike off the whole of the said double duty."

"Seventeenth.—Upon every charge confirmed upon appeal, if the said commissioners shall, after examination of the appellant, or by other lawful evidence produced on his or her behalf, as directed by the said acts respectively, be of opinion that the alleged default, neglect, omission, or claim of exemption, allowance, or deduction, hath been duly accounted for, and that the cause or causes have been truly stated in any amended return and annexed declaration, and that the appellant had a just or reasonable cause of controverting the said charge, and that the said default, neglect, omission, or claim of exemption, allowance, or deduction, was not wilfully made and with intention to defraud the revenue, it shall be lawful for the said commissioners who shall have determined the said appeal, although they shall have confirmed the charge in part or in the whole, at the same time to remit and strike off the whole of the double duty."

"Eighteenth.—Upon every charge confirmed upon appeal, although no amended return shall have been delivered to the surveyor or inspector as allowed by this act, if the said commissioners shall, after examination of the appellant, or by other lawful evidence produced on his or her behalf, as directed by the said acts respectively, be of opinion that the alleged default, neglect, omission, or claim of exemption, allowance, or deduction, was not wilfully made, and with

surveyor or inspector from afterwards making a further charge on the same person or persons for the same property or profits for the same year of assessment; and, in like manner, the determination of the commissioners upon every such objection to the estimates or value delivered by the assessors of the property in my parish, ward, or place in which assessments after appeal shall be made, shall exclude the surveyor or inspector from afterwards making a further charge on the same property in the same parish, ward, or place in that year."

"Twenty-second.—The objection of any surveyor or inspector to the estimate or estimates of any person or persons, or of the assessor or assessors of my parish, ward, or place, or to any assessment or assessments of additional commissioners in pursuance of the said last-mentioned acts, in relation to the losses arising from the profits of property, professions, trades, and offices, shall not be construed to preclude any surveyor or inspector from afterwards charging the same person or persons for any other property, or the profits of any other profession, trade, or office not included in the estimate or estimates, assessment or assessments before objected to, and determined as aforesaid; nor to preclude any surveyor or inspector from afterwards objecting to any other estimate or estimates, or assessment or assessments, or from afterwards charging any other person or persons in the same parish, ward, or place, or in any other parish, ward, or place in the same or any other division, in respect of any property or the profits of any profession, trade, or office, not before objected to and determined as aforesaid; and the respective commissioners acting for the general purposes of the said last-mentioned acts are hereby strictly enjoined and required to sign and allow such last-mentioned objections and charges according to the directions of the said acts, in respect of the powers therein given to such surveyor and inspector; provided, that all such objections and charges be made within the times herein respectively limited."

"Twenty-third.—From and after the passing of this act, every objection to the estimates directed to be made by the said last-mentioned acts, in relation to the assessment.

*2. The Acts
regulating the
Assessments
and Collec-
tions, &c.*

50 Geo. III. c. 105.

Charges to be
made in a limited
time.

Within what time
omissions to
charge may be
supplied.

Double charge in
case of fraud.

Provisions relat-
ing to charges in
single duty, and
to surcharges in
double duty, to be
applicable to the
provisions of
43 Geo. III. c. 161,
and 45 Geo. III.
c. 66, &c.

duties arising from the profits of property, professions, trades, or offices, shall be made before the first assessments on such estimates shall have been signed and allowed by the commissioners for the general purposes of the said acts, and not afterwards."

"Twenty-fourth.—No charge upon any assessment under the said last-mentioned acts, in relation to the duties arising from the profits of property, professions, trades, or offices, shall be allowed or signed, unless the certificates thereof shall be delivered to the respective commissioners before the expiration of three calendar months after the 5th day of January in the year of such assessment, in case such assessment shall have been made on or before the said 5th day of January, or, if such assessment shall not then have been made, unless the certificate of charge thereon shall be delivered to the said commissioners within three calendar months after such assessment shall have been made, except in the cases hereinafter mentioned."

"Twenty-fifth.—If any person or persons shall have neglected to make a return of property or profits as required by the said last-mentioned acts, and no estimate of the said property or profits, nor any assessment, shall be made thereupon for any year, it shall be lawful for the surveyor or inspector, on discovery thereof, at any time within twelve calendar months after the expiration of the year when such return ought to have been made, to charge such person or persons to the amount which ought to have been returned, in like manner as such persons might have been charged within the year of assessment; and the like proceedings shall be thereupon had as if such discovery and charge had been made within the year of assessment; and every assessment thereupon made shall be added to the current assessments of the parish, ward, or place, in the manner herein directed."

"Twenty-sixth.—If any person or persons shall by any falsehood, wilful neglect, fraud, covin, or contrivance whatever, escape from taxation for the profits of any distinct property, profession, trade, or office for any year, it shall be lawful for the surveyor or inspector, within the like period of twelve calendar months as aforesaid, to charge such person or persons to double the amount of duty which ought to have been charged in the year of assessment upon such distinct property, profession, trade, or office; and upon proof of such falsehood, wilful neglect, fraud, covin, or contrivance, to the satisfaction of the commissioners to whom such charge shall be certified, the assessment on the said double duty shall stand good, and be added to the supplementary assessments of the current year of the parish, ward, or place; and no part thereof shall be remitted on any pretence whatever."

Sect. 2. "That the several provisions in the preceding clause of this act, relating to charges in the single duty as aforesaid, shall be construed, so far as the same respect the duties of assessed taxes in that part of Great Britain as aforesaid, as applicable to the provisions of an act passed in the forty-third year of the reign of his present majesty, intituled 'An Act for repealing the several Duties under the Management of the Commissioners for the Affairs of Taxes, and granting New Duties in lieu thereof; for granting New Duties in certain Cases therein mentioned; for repealing the Duties of Excise on Licences, and on Carriages constructed by Coachmakers, and granting New Duties thereon, under the Management of the said Commissioners for the Affairs of Taxes; and also New Duties on Persons selling Carriages by Auction or Commission;' and any other act or acts for regulating the said duties respectively, and relating to surcharges in the double duty, and as far as the said provisions respect the duties arising from the profits of property, professions, trades, and offices in that part of Great Britain as aforesaid, the same shall be construed as applicable to the provisions of an act passed in the forty-sixth year of the reign of his present majesty, intituled 'An Act for granting to his Majesty during the present War, and until the Sixth Day of April next after the Ratification of a Definitive Treaty of Peace, further additional Rates and Duties in Great Britain on the Rates and Duties on Profits arising from Property, Professions, Trades, and Offices; and for repealing an Act passed in the Forty-Fifth Year of his present Majesty, for repealing certain Parts of an Act made in the Forty-Third Year of his present Majesty, for granting a Contribution on the Profits

**2. The Acts
regulating the
Assessments
and Collec-
tions, &c.**

50 Geo. III. c. 105.

In what cases
double duty
struck off.

Time allowed for
delivering in
amended return.

Making false de-
claration, mis-
demeanour.

Indictment for
false declaration,
how laid, &c.

Arrears of duties
may be collected.

Sect. 7. "That in all cases of charge by any surveyor or inspector aforesaid, of any of the duties on servants, carriages, horses, mules, dogs, and for using hair-powder or armorial ensigns, where it shall be proved, on appeal, to the satisfaction of the said commissioners acting for the division, that there was any doubt whether the article or articles charged was or were rateable within the meaning of the said acts, or of them, and that the omission thereof or alleged default was not wilfully made, and with intention to defraud the revenue, it shall and may be lawful for such commissioners to remit or strike off the whole of the double duty chargeable on the person or persons so charged."

Sect. 8. "That every person to be charged in pursuance of this act by the certificates of any surveyor or inspector, shall have the full period of ten days after service of the notice of such charge, to deliver his or her amended return to such surveyor or inspector, according to the directions of this act, and no certificate of such charge shall be signed or allowed by the said commissioners, nor any appeal shall be heard from such charge, before the expiration of such period of ten days; and if the person so charged shall, before the expiration of the said period, deliver return and declaration as aforesaid, which the said surveyor or inspector shall object to, then such return and declaration shall be deemed to be a sufficient notice of appeal from such charge to the commissioners of the division, who are hereby required to hear and determine the matter thereof, according to the directions of this act; and if the person charged shall not, before the expiration of the said period of ten days deliver a return or declaration as aforesaid, it shall be lawful for the commissioners, upon the appearance before the said commissioners of the person charged, or some person on his or her behalf, and the delivery of such list and declaration as is hereinbefore required on the day or days appointed for hearing appeals from the charges of such surveyor or inspector, to hear and determine the matter of such charge, according to the directions of this act, notwithstanding the person so charged shall not have given any previous notice of his or her intention to appeal; provided, that in default of the appearance of the party charged before the said commissioners, or some person on his or her behalf, on such day or days of appeal, or in default of the production of such list or declaration as aforesaid, the certificate of such charge shall be confirmed by the said commissioners."

Sect. 9. "That if any person, in any such declaration as aforesaid, shall wilfully and fraudulently declare any matter or thing which shall be false or untrue, every person so offending, and being thereof lawfully convicted, shall be judged guilty of a misdemeanor, and shall be committed to the gaol of the county, riding, or shire, where such offence shall be tried, for any space of time not exceeding six calendar months, and shall be fined in such sum, not exceeding treble the amount of duty for which such person shall have been charged, as the court before whom such trial shall be had shall think fit to order."

Sect. 10. "That any indictment for such misdemeanor, in making a false declaration as aforesaid, whether such declaration shall be made within Great Britain or without, shall be laid, tried, and determined in the county, riding, or shire, where such declaration shall be exhibited to the respective commissioners of the duties to which such declaration shall relate."

Sect. 11. "And whereas, by an act passed in the forty-eighth year of the reign of his present majesty, intituled "An Act to amend the Acts relating to the Duties of Assessed Taxes, and of the Tax upon the Profits of Property, Professions, Trades, and Offices, and to regulate the Assessment and Collection of the same," certain rules and directions are contained for paying to the receiver-general, and accounting for the duties received by the collectors in that part of Great Britain as aforesaid: and whereas it is expedient that the same shall be altered and amended in certain particulars; be it further enacted, That whenever

*2. The Acts
regulating the
Assessments
and Collec-
tions, &c.*

43 Geo. III. c. 141.

Schedule to re-
main with com-
missioners for a
certain time,
during which col-
lectors shall give
notice to defaul-
ters.

as sufficient evidence of a debt due to his majesty, and shall be authority to the barons of the said court, or any one of them, to cause to be issued against such defaulter named in the said schedules, whole sum in arrear and unpaid by such defaulter; and the sheriff officer to whom the said process shall be directed, shall, without the whole sum in arrear to be levied by due course of law as a debt justly on record, with all costs and expenses attending the same, and the monies so levied, after deducting the said costs and expenses, receiver-general or his deputy, and shall make return of the said process to the said court, according to the due course thereof: provided, that every due shall remain with the commissioners of the division for the space of forty days before the certificate thereof shall be transmitted to such collector, which period of forty days every such collector shall give due notice to the several defaulters named therein, in such manner that the respective commissioners shall direct, on pain that every collector failing to do so shall forfeit the like penalty as is imposed on collectors by the acts, or any of them, in other cases of neglect of duty; and it shall be lawful for every such defaulter within the like period to pay his or her arrears to the said collector or collectors, whose receipt shall be a sufficient authority to the said commissioners to discharge the arrears so paid from the said schedule; and it shall also be lawful for the said commissioners, if they shall issue fresh warrants to collect the said arrears, or any of them, within the period of forty days, and during that period to use all or any of the methods prescribed by the several acts relating to the said respects for the recovery of the said arrears, or direct the said arrears to be recovered by the respective collectors under their former warrant, as shall be most convenient; and all warrants to be issued for that purpose may be directed either to the said collectors, or to the high constable, constables, or other peace officers within the limits of their division, or any one or more of them, or to any persons whom the said commissioners shall think proper, with power to levy by distress and sale, in the manner directed by the said acts for the recovery of the sums in arrear, together with all costs and expenses attending the execution thereof; and the sums so levied, after deduction of the said costs and expenses, shall be paid to the receiver-general or his deputy at the time and place as the said receiver-general shall appoint, and shall be paid from the said schedule; and all high constables, constables, and officers, within the said division, shall act in obedience to the directions of the said commissioners, and shall execute all such orders and process as they or any of them directed, for the recovery of the said arrears; and also, that when the commissioners of the division shall certify to the receiver-general for the affairs of taxes any reasonable cause for non-payment, and that they have good reason to believe the same will be paid within a reasonable time, to be stated in such certificate, it shall be lawful for the commissioners of the division to retain the said schedule in their hands for such time as shall be necessary, and as shall be mentioned in their aforesaid certificate.

In default of such schedule, receiver-general may certify the default to the Exchequer.

"Third.—In default of such schedule being delivered within three days as aforesaid, either to the receiver-general or his deputy, or to the said commissioners, it shall be lawful for the receiver-general, to whom the accounts of the said duties shall not have been made in the proper manner prescribed, and at the times above mentioned, and he is hereby required to certify to the said Court of Exchequer the amount of the duties remaining to the best of his knowledge and belief, and the particular parish, town, and the division where such failure hath happened, together with the names of the collectors of the said parish, town, or place; and such certificate, signed by such receiver-general or his deputy, shall be a sufficient authority to the barons of the said court, or any one of them, to cause process by writ of *distringas* to be issued out of such court against the said collector, upon which writ of *distringas* the sheriff or other officer to whom process shall be directed, shall return such issues from time to time as the receiver-general or his deputy, or baron shall order, until a return of such schedule and arrears shall be made to the said court, and immediate process shall thereupon issue for the recovery of the said arrears out of and under the seal of such court, which levy shall be remitted unless all the said duties in arrear shall be paid or satisfied before the return of such process."

such person or persons, not exceeding ten in number at any one ^{them salaries, &c.}
a his majesty, his heirs and successors, or the said commissioners
treasury, or the high treasurer for the time being, shall think
to be inspectors-general for the special purposes of this act,
after specified and declared; and to allow to such inspectors-ge-
ach reasonable salaries, charges, and expenses, as may be neces-
r their pains in executing this act in the several particulars herein-
tioned; and no person to be appointed inspector-general under
t shall be entitled to amend any assessment made under the said
to surcharge any person or persons in respect thereof; nor shall
ch person have, or receive, or claim any advantage or emolument
y assessment or surcharge to be made under any of the said acts,
/ other emolument than the salary and allowance authorized by his
, the commissioners of the treasury, or the high treasurer as afore-

"The Powers to be vested in the Inspectors-General."

Their powers.

st.—It shall be lawful for such inspectors-general to visit from time to ^{To visit inspectors}
ch inspector and surveyor acting in the execution of the several acts and surveyors.

**2. The Acts
regulating the
Assessments
and Collec-
tions, &c.**

48Geo. III. c. 141.

To administer an oath to inspectors and surveyors.

To report to commissioners of division.

In certain instances a case may be transmitted to commissioners for taxes.

relating as well to the duties of assessed taxes as the said duties on property, professions, trades, and offices, within the limits of the circuit for which ~~such~~ inspector-general shall be appointed, and to examine all or any of the books ~~and~~ assessments and duplicates, or certificates of assessment or surcharge, in the hands or power of such inspector or surveyor; and also to inquire into the conduct of every such inspector and surveyor in the execution of their respective offices, and into their fitness and capacity to execute the same, and to report from time to time on the several matters aforesaid to the commissioners for the affairs of taxes; and every such inspector and surveyor shall attend such inspector-general at such time and at such place, within the district of such inspector and surveyor, as the said inspector-general shall appoint, and shall have given three days notice of, to such inspector or surveyor."

"Second.—It shall be lawful for every such inspector-general to administer to any such inspector or surveyor, whenever he shall see occasion to examine him or them in any matter touching the execution of the said acts, so that he shall truly answer make to all such questions as shall be demanded of him; and the substance of such answer or answers as such inspector or surveyor shall give, shall in his presence be reduced into writing, and read to him, with liberty to alter or amend the same in any particular; and he shall sign his name to the same in his own name, and in his usual manner of writing or signing his name."

"Third.—It shall be lawful for every such inspector-general as aforesaid whenever he shall see occasion, to report to the commissioners of the division any matter or thing touching the execution of the said acts or this act in respect to any assessment or assessments in such division, or touching the collection of any clerk to such commissioners, or of any assessor or collector appointed under the said acts or this act, together with the opinion of such inspector-general thereon; and every such inspector-general shall transmit a duplicate of such mentioned reports to the commissioners for the affairs of taxes; and whenever any inspector-general shall have reported to the commissioners of any division any such matter or thing which, in the opinion of such inspector-general, may require the particular consideration of the commissioners of such division, it shall be lawful for them to hold a meeting for that purpose, and they are hereby required to hold such meeting within a reasonable time after such report, at which meeting such inspector-general may attend for the purpose of explaining the matter or matters contained in the said report, and of suggesting for the consideration the propriety of adopting such order or orders as may be agreed upon by the major part of the commissioners of such division who shall be present at such meeting."

"Fourth.—If any inspector-general as aforesaid, or any commissioner for the division, who shall have been present at any meeting of commissioners at which the report of such inspector-general shall have been taken into consideration aforesaid, shall apprehend the determination made by the commissioners at such meeting on the said report, or any of the matters therein contained, to be contrary to the true intent and meaning of the said acts relating to the said division respectively, or any of the said acts, it shall be lawful to and for such inspector-general, and to and for any one or more of the commissioners for the division present at the time of such determination respectively, to require a case to be prepared, and signed by the said commissioners for the division; in which case the said commissioners shall state specially the part or parts of the report of the said inspector-general, and the facts on which the question arose, together with their determination thereupon, and any other circumstances influencing the said commissioners in such their determination; and which case the said commissioners, or the major part of them then present, are hereby required to state and sign accordingly, and to cause the same to be transmitted to the commissioners for the affairs of taxes, who shall forthwith submit the same to the judges of the courts of record at Westminster; and such judges, or any two or more of them, are hereby required, with all convenient speed, to return an answer to such case so transmitted, with their opinion thereon subscribed thereto, and what ought under all circumstances to be done therein, according to which opinion and directions, so certified, the determination of the commissioners which shall have been so objected to, and which shall be stated in such case, shall be confirmed, reversed, altered, or amended, as the case may require, and if any assessments shall depend on such determination of the said commissioners, the same shall all be altered or confirmed according to the said opinion."

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

Ten schedules, each relating to different subjects of taxation.

the prior recited acts, and thereafter repealed, there shall be assessed, raised, levied, collected, and paid certain duties specified in the schedules to that act; and then refers to those ten schedules of different descriptions of taxes, by letters A, B, C, D, E, F, G, H, I, and K, viz.—A. of duties payable for every dwelling-house within and throughout Great Britain, according to the number of windows or lights in each. B. of duties made payable on all inhabited dwelling-houses, according to the value thereof. C. duties payable annually for every male servant retained or employed in certain named capacities. D. of duties payable on carriages therein mentioned. E. of duties payable for horses, mares, and geldings used therein mentioned. F. of duties payable for other horses, not charged with duty in last schedule, and on mules. G. of duties payable on dogs. H. duties payable by horse-dealers. I. of duties payable by persons wearing hair-powder. K. of duties payable for using armorial bearings.

The statutes 48 Geo. III. c. 55, and 52 Geo. III. c. 93, and schedules of duties payable for selling game.

The act 43 Geo. III. c. 161, and the schedules thereof, contains rules for charging the duties, together with certain modifications, reductions and exemptions; and also provides that the duties granted by that act shall be levied pursuant to the regulations of the 43 Geo. III. c. (ante, p. 5 to 48), and in Scotland under the regulations in 43 Geo. III. c. 150; and enacts that the commissioners, inspectors, surveyors, assessors, and collectors, acting under the said acts (43 Geo. III. c. 93, c. 150), shall execute all matters and things in relation to the duties granted by that act.

By several subsequent acts, hereafter noticed, new provisions were introduced, and the amount of duties increased, diminished, or repealed, as the exigencies of the public have required. But still as this principal act, 43 Geo. III. c. 161, is the main regulating act, it is deemed expedient first to state its provisions, then the subsequent regulations, and, lastly, the several schedules of duties.

We will, therefore, consider the third branch of the subject under two heads, viz. *First*, the *Regulations* of the 43 Geo. III. c. 161, and subsequent acts; and, *secondly*, the several *Duties*, with the particular rates and exemptions affecting them.

Division of subject.

The regulations of the 43 Geo. III. c. 161, and subsequent acts.

It will be perceived, on referring to the provisions of this act, and subsequent acts, that they may be properly subdivided and arranged under the following heads, viz.:—

1. *The Commissioners, Inspectors, Surveyors, Assessors, and Collectors,* 43 Geo. III. c. 161, s. 6, 8.
2. *The Assessments and returning Lists of Persons liable,* ss. 25, 26, 28, 31, 32, 33, 34 to 38, 43, 44, 49, 50, 52.
3. *Of Amending Assessments, and of Surcharges, and of Appeals and Compensation for Opinions of Judges,* ss. 62 to 76; 45 Geo. III. c. 71, s. 3; 46 Geo. IV. c. 11, s. 7.
4. *Provisions for facilitating the Recovery of Duties,* 43 Geo. III. c. 161, ss. 23, 51, 53 to 56, 58, 59.
5. *General Regulations relating to the Execution of the Act 43 Geo. III. c. 161,* ss. 9, 16, 78, 79, 81, 86, 80.

But it will be better to print all the sections of this principal act, 43 Geo. III. c. 161, continuously, and then to state the subsequent enactments.

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

kept and used by any person or persons for any of the purposes mentioned in the schedule to this act annexed, marked (E.); and upon other horses, mares, or geldings, not charged with any duty by fore-mentioned schedule (E.), and upon mules as described in the schedule to this act annexed, marked (F.); and upon all dogs of any descriptions mentioned in the schedule to this act annexed, marked (G.) and upon all horse-dealers residing within the respective limits described in the schedule to this act annexed, marked (H.); and upon all persons respecting of hair powder, or any armorial bearings or ensigns as respectively set forth in the schedules to this act annexed, marked (I.) at the several duties respectively inserted, described, and set forth in said several schedules marked (A.), (B.), (C.), (D.), (E.), (F.), (G.), (I.), and (K.) hereunto annexed, which several schedules, and the several exemptions therein contained, shall be deemed and considered part of this act, as if the same were incorporated therewith under the enactment.

Excise duties under 25 Geo. III. c. 49, on licences to coachmakers, and on carriages built for sale, repealed, except as to arrears (a).

* See s. 1.

Sect. 2. "And whereas, by an act passed in the twenty-fifth year of the reign of his present majesty, intituled 'An Act for granting His Majesty certain Duties upon Licences to be taken out by Coachmakers, and also certain Duties upon Carriages to be built for Sale,' certain duties were granted in Great Britain on licences taken out by such makers, and also on carriages with four and two wheels respectively which should be built or constructed for sale: and whereas it is enacted that the said duties should be repealed, and other duties should be in lieu thereof on coachmakers, and on carriages constructed by sale, to be placed under the management of the commissioners of the affairs of taxes, and also the like duties on persons vending the same by way of auction, or on commission, for or in the expectation of profit further enacted, 'That all duties granted by the said last-recited act from and after the respective days before mentioned in the respects of Great Britain,* cease and determine, save and except in a relating to the recovering or paying any arrears of the said duties in the said act granted, which on that day shall remain unpaid, and the clauses and provisions for receiving and recovering the same.'"

All excise licences shall cease from the days fixed for the repeal of the duties (see sect. 1), and commissioners shall return a portion of the same for the time then unexpired (see sect. 3).

Duties in schedules (D.) 5 and 6, imposed on coachmakers, &c.

Sect. 4. "That, from and after the respective days before mentioned in England and Scotland respectively, there shall be raised, levied, collected, and paid to his majesty, his heirs, and successors, the several duties on coachmakers, and on carriages built and constructed by them respectively in lieu and instead of the duties hereby repealed, and also the like duties on persons vending such carriages by auction or commission in expectation of profit, severally contained in schedules (D.) Nos. 5 and 6, which schedules shall be construed a part of this act, and as the schedules to this act are directed to be considered."

Duties granted by this act shall be levied under the regulations of 43 Geo. III. c. 99 (England), and c. 150 (Scotland).

Sect. 5. "That all the several duties hereby granted in England, and Berwick-upon-Tweed, shall be assessed, raised, levied, and collected under the regulations of an act passed in the present session of parliament, intituled 'An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same' and all the several duties hereby granted in Scotland shall be assessed, raised, levied, and collected, under the regulations of any act to be passed in the present session of parliament, for consolidating and amending the provisions contained in any act or acts relating to the duties under the management of the commissioners for the affairs of taxes, amending the said acts so far as the same relate to Scotland; and every the powers, authorities, methods, rules, directions, penalties,

(a) See note (b) in previous page.

for any parish, ward, or place, in pursuance of the said recited
assessors, collectors, &c., under
43 Geo. III. c. 90,
s. 150, shall execute this act.

and collectors of the several duties granted by this act; and
missioners shall cause notice to be given to such persons,
respectively are appointed assessors and collectors of the said
granted; and the several commissioners, inspectors, sur-
veyors, and collectors, are hereby empowered to do and
execute all things in relation to the duties by this act granted,
respectively are empowered to do and execute in relation to
whatsoever is mentioned in the said recited acts respectively, and shall
be subject and liable to the like penalties for any neglect or
malperformance of their duty, or any fraud or abuse in execu-
tive, as are inflicted on such officers by the said recited acts
or the like offences."

That the several persons who, as inspectors or surveyors, Duty of inspectors
and surveyors.
are authorized to act in execution of the said recited acts
passed in the present session of parliament, shall respectively
make and inspection of the duties by this act made payable
in the several parts of Great Britain, as aforesaid, and shall take
the several dwelling-houses therein, and of the servants, car-
, mules, and dogs, kept by any person or persons whatever,
several persons liable to the other duties in this act mentioned,
duties chargeable in respect thereof, and shall inspect and
assessments or certificates thereof made and to be made
time, in pursuance of this act, and execute all things belong-
ing, according to the powers vested in them by this and the
acts respectively; provided that no inspector or surveyor now No inspector, &c.

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.
shall be commis-
sioner.

Every house oc-
cupied at the time
of making the as-
sessment, shall be
brought into
charge under
schedules A. &
B., subject to dis-
charge see post,
ss. 11, 12.

**Penalty on asses-
sors for neglect,**
20*l.* to 5*l.*

**Houses situate
within more pa-
rishes than one
may be charged
in either parish.**

**Exemption for
poor persons from
duties on win-
dows, under
schedule (A.).
(See s. 12.)**

**Manner in which
the claim to
exemption from
duties in sche-
dules (A.) & (B.)
shall be proved,
and the party
discharged.**

* See s. 13.

or hereafter to be appointed shall act as a commissioner in any matter or thing touching the execution of this act."

Sect. 10. "That every dwelling house, cottage, or tenement, of whatever description, occupied at the time of making the assessment, shall be brought into charge in respect of the duties set forth in the schedule marked (A.), by the respective assessors, and, in their default, by the respective surveyors and inspectors herein mentioned, according to the number of windows therein, subject to the powers of discharging the same, as after mentioned (a): and every dwelling house, cottage, or tenement, and other the premises therewith occupied, and hereby charged, as set forth in schedule (B.), being, together, of the annual rent of 5*l.* or upwards (b), shall also be brought into charge in like manner, according to the full and just yearly rent at which the same is really and *bond fide* worth to be let, in respect of the duties set forth in the said schedule marked (B.); and, if any assessor or assessors shall omit, in the assessment of the said duties set forth in schedule (A.), to charge the occupier of any house, cottage, or tenement, to the said duties, according to the number of windows therein, or shall omit, in the assessment of the said duties set forth in schedule (B.), to charge the occupier of any house, cottage, or tenement, which, with the premises therewith occupied and charged by this act, shall be of the annual value of 5*l.* or upwards, to the said duties, according to the annual rent at which the same is really and *bond fide* worth to be let, whether the occupier of any such house, cottage, or tenement, shall be entitled to be discharged from the same in manner hereinafter mentioned or not, every such assessor shall, for each and every such neglect, forfeit and pay any sum not exceeding 20*l.* nor less than 5*l.*; and where any such dwelling-house, or premises therewith occupied, shall be situate within more parishes or places than one, then such dwelling-house shall be charged to the said several duties as one entire house, and the premises therewith occupied as belonging to such house in such of the said parishes or places as the surveyor or inspector for the said duties, or any part thereof, shall deem most expedient, to be notified by the certificate of such surveyor or inspector to the commissioners acting for either of such parishes or places."

Sect. 11. "That any person inhabiting a dwelling-house in England, Wales, or Berwick-upon-Tweed, containing not more than six windows in the whole, shall be exempted from the duties in schedule (A.), in case such person shall be on the books of such parish or place as receiving parochial relief; and any person inhabiting a dwelling-house in Scotland, containing not more than three windows in the whole, and under the annual rent of 20*s.*, shall be exempted from the duties in schedule (A.), in case such person shall be poor and indigent, and shall not be assessed, or liable to be assessed, to any of the duties contained in schedules (B.), (C.), (D.), or (E.); which several exemptions shall be proved or claimed in the manner hereinafter mentioned."

Sect. 12. "And, in order to give relief to such persons, as aforesaid, who may be charged to the said several duties set forth in the schedules marked (A.) and (B.), or either of them; be it further enacted, that where any such house, cottage, or tenement, as is described in the preceding clause, shall be brought into charge, as aforesaid, and the occupier or occupiers thereof shall be entitled to the said exemption, by reason of poverty, as hereinbefore specified, then, and in every such case, the assessor or assessors shall, on the certificate of assessment, set opposite the sum charged on the occupier thereof the fact of his or her being poor, and shall return the same, together with the assessment and a certificate, as hereinafter is mentioned,* to the commissioners for executing this act in the district where such assessment shall be made; and the said commissioners, before the allowance of any such assessment, or making

(a) See post, p. 76, in the note.

(b) By 6 Geo. IV. c. 7, s. 1, the duties on inhabited houses under the

value of 10*l.* per annum are repealed.

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

Such exemption may be allowed upon the present assessments.

Unoccupied houses shall be inserted in assessment.

In-coming occupier shall give notice. Penalty 5*l.* and the full duties (a).

claim made by any such occupier or occupiers, and that he or they are and will be unable to pay the duties charged on him or her in that year, or if, upon appeal, as aforesaid, it shall appear to the satisfaction of the said commissioners, or the major part of them present, the oath of such appellant, or by other lawful evidence on oath, produced and shown by such appellant, that he or she is entitled to maintain appeal, and wholly unable, as aforesaid, to pay the duties charged on him or her, it shall be lawful for the said commissioners to give such r either by striking off the whole of the duty so charged, or diminishing the same, as to them shall seem meet and necessary; and which appeal for the causes in this clause mentioned, may be heard and determined either on the days mentioned in this act for the hearing of appeals in other cases, or at the end of the year, or any day or days to be appointed by the respective commissioners for executing this act; which execution shall, in the like cases, be construed to extend to and shall be allowed all assessments on such poor persons of the duties payable at the passing this act, which shall have been or shall be made at any time from the commencement of the present year."

Sect. 15. "That every house or tenement which shall happen to be unoccupied at the time of making the assessment shall be inserted in such in the assessment, with the number of windows contained therein, and the annual rent at which the same might be let, if the same amount to 5*l.* or upwards; and the assessors, and, in their default, surveyors and inspectors, shall cause the same to be certified to the commissioners, from the time of such house or tenement coming into occupation of any person or persons, and such person or persons shall cause notice thereof to be given to such assessor, surveyor, or inspector within twenty days after his or their coming into the occupation of

(a) Schedule (B.), on uninhabited houses, was repealed by the 4 Will. IV. c. 19, see *post*, 122. The owner of a house, occupied by him till the 26th of June, is chargeable with the assessed taxes for the remainder of the year, that is, till the succeeding 5th of April, —although he quitted possession on the 26th of June, and ceased to occupy the house afterwards. (*Price's case*, 8 Price's Rep. 122.)

Semblé, that houses left unoccupied by the owner during part of the year, where the furniture was not taken away, were liable to the duties for the whole year. (*In re Colyton*, 8 Price, 117.)

Houses let as lodgings in places of public resort, and which were so occupied by the various families hiring them for the season, (much less than half-a-year at a time,) and were, during the remainder of the year, left wholly unoccupied, were chargeable to the assessed taxes for the entire year. (*Sollett and Glass's case*, 8 Price, 123.)

Persons letting houses furnished, as lodging-houses, for a part of the year, not being at any time occupied for more than six months successively, and paying three quarters of a year's assessed taxes, are still liable to be charged for the other quarter; and the commissioners have no power to make any abatement in the assessment; al-

though during the quarter for which the abatement be claimed, the houses have not been opened. (*Skinner's case*, 8 Price, 124.)

A person keeping a house for the purpose of being let as a ready-furnished lodging-house is chargeable for the whole year's duty, although it be unoccupied and unfurnished for one entire quarter. (*Wright's case*, 8 Price, 125.)

The windows of a shop on the ground floor of a dwelling-house, having no internal communication with the house, are chargeable with the duty. (*In re Reinhardt*, 8 Price, 106.)

The lower part of a smaller house used as an office, adjoining the dwelling-house of the party, and having an internal communication with the latter, is not exempt from the assessed taxes on windows within the first section of the 57 Geo. III. c. 25, on the ground of its being used as offices, and for no other purpose.

Nor is a room, having no communication with the dwelling-house, if it be part of the house, within the exemptions of the statute, as being used only for an office. (*R. v. Dryden*, 8 Price, 103.)

The windows of the upper story of a house, of which the lower part on ground floor is occupied by the owner as a dwelling, are chargeable with the duties on houses and windows, al-

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

Such persons shall be charged according to such lists for the year commencing from those days.

Lists shall be returned annually in like manner.

Assessment shall be for the year in which returns are made.

Every person beginning to keep a male servant, or carriage, or to carry on the business of a horse-dealer, coach-maker, &c., or to wear hair-powder, or armorial bearings, and every person ceasing to keep such servant, &c., or to carry on such business, &c., shall give notice thereof within twenty days (a).

houses, or one of them, at or before the expiration of the time appointed by this act for the delivery thereof; and every person who shall have retained, employed, kept, or used any servants, or other male persons, carriages, horses, mules, or dogs, shall be charged for the greatest number of servants, carriages, horses, mules, and dogs retained or employed, kept or used by him or her at any one time within the year ending as aforesaid; and every person who shall have used or exercised the trade or business of a horse-dealer, or the trade or business of a coachmaker, or maker of carriages, or of a seller of carriages by auction or on commission, or shall have worn or used hair-powder, or any armorial bearings, within the year ending as aforesaid, shall be assessed and charged by the respective assessors for the year commencing from that day, which assessments shall be made at the rate specified in the said schedules marked C, D, E, F, G, H, I, and K, and according to the lists, which shall or ought to have been returned as aforesaid, subject to such powers of surcharge as by this act are directed and given; and the assessments on the returns so to be made shall be deemed an assessment for the year commencing from the respective days in the year 1804, appointed for the commencement of the said duties."

Sect. 28. "That every person liable to the said duties shall, in every year subsequent to the respective days appointed for the commencement of the said duties, within six weeks thereafter, and he and she is hereby required yearly, whether any previous notice for that purpose shall have been delivered or not, to cause to be prepared and to be delivered to the respective assessors before mentioned for the time being, true and particular lists of the greatest number of such servants or other male persons retained or employed, and of carriages, horses, mules, and dogs kept by such person, or of his or her having used or exercised the trade or business of a horse-dealer, or coachmaker, or maker of carriages as aforesaid, or of a seller of carriages by auction or on commission, as aforesaid; or of having worn or used hair-powder, or any armorial bearings or ensigns, at any one time in the course of the preceding year ending on the then preceding 5th day of April; which lists shall be prepared in the form before prescribed, and according to the directions of this act in respect thereof; and such person shall renew the same in the same manner in every year so long as such person shall be liable to the said duties or any of them, as aforesaid; and every person shall annually be chargeable in respect of the greatest number of servants or other male persons, carriages, horses, mares, or geldings, mules, and dogs, retained, employed, kept, or used by him or her at any one time within such preceding year, and also in respect of his, her, or their having used or exercised the trade or business of a horse-dealer, or coachmaker, or maker of such carriages, or a seller thereof by auction or on commission, as aforesaid, or of having worn or used hair-powder, or armorial bearings or ensigns, within the same period; and the assessment made thereupon shall be deemed an assessment made for the year in which such returns shall or ought to have been made."

Sect. 29. "That every person who, from and after the respective days appointed for the commencement of the said duties, shall begin to retain or employ any such male servant, or other male person herein described, or keep or use any such carriage (such servant or carriage not being in the place or stead of any former one liable to the like duty), or to use or exercise the said trade of a horse-dealer, or coachmaker, or maker of such carriages, or a seller thereof by auction or on commission as aforesaid, or to wear or use hair-powder, or any armorial bearings or ensigns, or who shall cease to retain or employ any male servant, or to keep or use any carriage liable to the duty, without retaining or employing any other male servant, or other male person herein described, or keeping or using

the number of bodies of such carriages which shall successively
be used on the same carriage or number of wheels, and also the
number of horses by which such carriages with less than four wheels
have been drawn at any time within the like period, and also
another of such carriages liable as taxed carts; another of the said
lists shall contain the greatest number of horses, mares, or geldings, kept
by such person for the purpose of riding, or drawing any
chargeable with the duty made payable by this act, at any one
time in the like period; another of such lists shall contain the
number of all other horses, mares, or geldings, and mules, kept
by such person at any one time within the like period, which shall on any
have been used as herein mentioned; another of such lists shall
contain the greatest number of dogs kept by such person within the like
distinguishing therein any greyhound, hound, pointer, setting-
-nail, lurcher, or terrier, from any other dog, where one dog only
kept by such person; another of such lists, if the same be
kept by any person who shall have used or exercised the trade or
of a horse-dealer, shall contain the place or places where the
same shall have been so used or exercised within the like period, and
the greatest number of horses, mares, or geldings, kept by him
at any time within the like period, distinguishing whether
they shall have been kept for sale, or been used by him or her, or let
and the number of each so kept or used, and for what purpose,
the duties hereby made payable shall be duly charged; and
another of such lists, if the same shall be returned by any coachmaker
or carriages before mentioned, or by any seller of such carriages
on or on commission, as herein is mentioned, shall contain the
places where such trade or business shall be carried on; and
another of such lists, if the same be returned by any person who shall
use hair-powder, or used any armorial bearing or ensign, within
the period, shall distinguish therein the particular duty and duties,
amount thereof, to which such person is liable, with a declaration
whether he or she is a housekeeper or one of the family, or a lodger,
apprentice, or servant, abiding in the house of any person; and
as returned by any occupier of a dwelling-house or distinct apart-
ment aforesaid, shall contain the names and places of abode of every
resident in such dwelling-house, distinguishing whether such per-
son be a member of the family, or a lodger, or inmate, or apprentice.

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

Penalty on neglect and refusal in either party, 50*l.*

Assessors shall leave notices for lodgers &c.

Persons having divers places of residence, &c. shall deliver lists at each.

Penalty on persons declaring to pay duties in any place, and not delivering list there, 50*l.*

Claims of exemption (except with respect to the royal family) to be returned to the assessors, and proved on oath, &c.

Penalty for neglect, omission, or

person so resident, being thereunto required as aforesaid, shall be obliged to make such declaration: and if any such lodger or inmate shall wilfully refuse to give an account as required by this act, or to attest the return to be made thereof, every such person shall forfeit and pay the sum of 50*l.*; or if any occupier as aforesaid, by whom any such declaration ought to be required, or to whom any such declaration shall be made, shall neglect to require the same, or to insert the same in the return to be made to the assessor or assessors, in pursuance of this act, every such person shall also forfeit the sum of 50*l.*

Sect. 33. "That the said assessors shall, upon receipt of any list containing the name of any lodger or inmate returned liable to any of the said duties as chargeable within the parish or place where the said assessors act, give or leave the like notice for every such person to prepare and produce, within the like period, a list or declaration signed as aforesaid: and every such person shall, within twenty-one days after notice left at such dwelling-house, make out a list or declaration, as the case shall require, and sign the same in the manner before directed, under the penalty herein mentioned for neglecting to deliver any such list or declaration." [See s. 37.]

Sect. 34. "That every person who shall have divers places of residence within any part of Great Britain, or shall keep any servants or other male persons herein described, carriages, horses, mules, or dogs, at divers places within Great Britain, and every person being an inmate or lodger at the time of such notices being given as aforesaid, and having an ordinary residence at some other place or places, whereat or at one of which places such person ought to be charged, shall be obliged to deliver all such lists as aforesaid at each and every of such places, and to insert in every such list the name or description of each person, article, matter, and thing, for which such person is liable to any of the said duties, or which ought to be returned according to the directions of this act; and shall also, in every such list, specify the particular persons and number of each description of articles aforesaid respectively intended to be paid for within the limits of the district, parish, or place, where such list shall be delivered, and shall also, at the same time, make his or her declaration, to be inserted in such list, and signed by him or her, specifying the particular counties or county, and parishes or parish, wherein each such other place of his or her residence is situate, and also the particular counties or county, and parishes or parish, wherein the said duties, or any part of the said duties, are or is intended to be paid."

Sect. 35. "That if any person, having delivered his or her declaration to pay the said duties in any other parish, ward, or place, than in the parish, ward, or place, where such list shall be delivered, shall not return a list in such other parish, ward, or place, according to such declaration, in order to his or her being regularly brought into charge by the assessors for such other parish, ward, or place, every such person so offending shall forfeit and pay the sum of 50*l.*"

Sect. 36. "That every person claiming to be within any of the exemptions allowed by this act, in or by any of the schedules hereunto annexed, marked C, D, E, F, G, H, I, or K, except of the royal family, in such cases where they are specially exempted, shall make a due return thereof, and declare the cause or causes of such exemptions, such declaration to be specified in or annexed to the lists to be by him or her delivered; and if any dispute shall arise whether the person be entitled to such exemption, the proof thereof shall lie on the person claiming such exemption, who, on any charge or surcharge before such commissioners, or on any suit or prosecution, shall be permitted to allege the same on oath or affirmation, or to prove the same by lawful evidence to be produced and shown by him or her; provided that no such exemption shall be allowed, unless the same, and the cause thereof, shall have been duly returned to the assessor or assessors aforesaid."

Sect. 37. "That if any person, liable to the said duties, or any of them,

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

Penalty for removing without delivering list, &c., 50l.

Persons letting to hire horses so that the stamp-office duty shall not be chargeable, or letting servants or carriages, shall deliver lists of the number of the horses, &c., and of the names, &c. of the persons hiring.

Hirers of such horses, servants, and carriages, shall return lists thereof.

Surveyors may surcharge in default of returns the hirers of servants, &c., and the progressive duties for one year shall be charged on such hirers, unless on proof that the parties letting have been charged.

the parish or place where such last-mentioned notice shall have been delivered, in like manner as if such person actually resided in such parish or place, or in the parish or place where such persons shall have their ordinary residence; and if any person on whom such notice shall have been served, shall remove from such parish or place, without having delivered such list or declaration, he or she shall forfeit the sum of 50l."

Sect. 40. "That every person letting to hire any horses in such manner as not to be chargeable to the stamp-office duty made payable by law on horses let to hire, or letting any servants or carriages, shall annually return a list of the greatest number of such servants, carriages, and horses kept by him or her at any time in the prior year, in like manner, and within and for the like period, and under the like penalties, as returns of other servants, carriages, and horses, subject to the duties by this act made payable, are directed to be made; and every such list shall specify the name and place of abode of the person or persons for whose use or in whose service such servants, carriages, and horses shall have been or shall be employed, and the number of each let to hire to every such person, and the period of each letting, according to the number of servants, carriages, and horses which shall or ought to be contained in such list, the said duties by this act made payable shall be charged on the person or persons letting or hiring such servants, carriages, and horses, as the case may require."

Sect. 41. "That where any person shall hire or shall have hired any horses, in such manner that the stamp-office duty payable by law on horses let to hire, shall not be chargeable on such letting, or shall hire or shall have hired any servants or carriages, then such hirer shall annually return a list of the greatest number of such servants, carriages, and horses, to the assessor or assessors of the parish or place, or parishes or places, where such hirer shall reside or be at the time such return ought to be made, as the case may require, in like manner, and within and for the like period, and under the like penalties, as returns of other servants, carriages, and horses, exempted from the said annual duties by this act, are directed to be made; and every such list shall specify the name and place of abode of the person or persons by whom such servants, carriages, and horses shall have been or shall be let to hire, and the period of each letting."

Sect. 42. "That where any horses shall have been, or shall be let to hire, in such manner as not to render the person or persons letting the same liable to the said stamp-office duty, or where any servants or carriages shall be let to hire, and the hirer of such servants, horses, or carriages shall not make such return as by this act is required, then and in such case the duties chargeable in respect thereof for one year, shall and may be charged upon and paid by the person or persons hiring such servants, carriages, and horses, by the surcharge of the assessor, surveyor, or inspector, over and above the penalty incurred for any neglect or omission as aforesaid, unless the person or persons letting the same shall have been brought into charge for the same servants, carriages, and horses respectively; and if any dispute shall arise whether the person or persons so letting to hire any servants, carriages, or horses, shall have been brought into charge for the same, the proof thereof shall be on the hirer of such servants, carriages, and horses so surcharged, who, on such surcharge, shall be permitted to allege the same on oath, or solemn affirmation, or to prove the same by lawful evidence to be produced and shown by him or her; provided that the party hiring the same shall not be exempted, unless the exemption and the cause thereof shall have been duly returned to the assessor or assessors as aforesaid; and in every case where the said duties shall be chargeable on the hirer or hirers of such servants, carriages, and horses, making default as aforesaid, the progressive duties made payable thereon, by schedules C. No. 1, D. No. 1, and E. No. 1, respectively shall be charged."

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

Or the party shall provide proper forms.

Penalty 50*l.*

Assessor shall certify duty on carriages to commissioners, who shall make assessment.

Gate-keepers and farmers of post-horse duties shall permit surveyors to inspect their certificates.

Penalty, 100*l.*

Lists of persons licensed to let post-horses shall be annually transmitted to Tax-office.

Horse-dealers at divers places shall deliver returns at each place, &c.

Penalty 20*l.*

coachmakers or makers of such carriages, and of such carriages sold by auction or on commission as aforesaid; and every such account shall at the end of each year (all such entries as aforesaid being required to be first duly made) be signed by the party with his own proper name, in his or her usual manner of writing or signing the same, and returned to the assessor or assessors of the parish or place where the party shall reside, for the use of the surveyor or inspector of the districts as aforesaid, or to such surveyor or inspector as the said commissioners for the affairs of taxes shall direct, at the times hereinbefore required; and in default of such application, the party shall be obliged to provide proper forms for the said purpose, and shall cause all such entries to be duly made therein, and the same to be signed and delivered to the assessor, or surveyor, or inspector, in like manner as is before directed for the accounts issued from the office for taxes; and if any person shall neglect to deliver such accounts duly filled up and signed within the times limited as aforesaid for making such returns, every such person shall forfeit and pay the sum of 50*l.*"

Sect. 45. "That the assessor, surveyor, or inspector, to whom such account as aforesaid shall be delivered by any coachmaker or maker of carriages, or by any seller of carriages as aforesaid, shall forthwith return to the respective commissioners a certificate of the number of such carriages, of the several descriptions herein mentioned, by such persons respectively constructed or sold within the period of such account, and the amount of duty chargeable on them respectively, and the said commissioners shall cause an assessment to be made on the amount contained in each certificate, and added to the assessment of the said other duties charged in the same parish or place, and shall cause the same to be inserted in the collector's duplicate, who shall demand, receive, and collect the same, at the same times and under the same warrant, as the other duties are collected by or paid to such collector."

Sect. 46. "That from and after the respective days appointed for the commencement of the said duties, every gate-keeper of or upon any turnpike road, by whom any certificate shall be filed of any horses let to hire, in such manner as not to subject the hirer thereof to any stamp-office duty payable by the laws then in force, and every collector or farmer of the said stamp-office duty, to whom such certificate shall be delivered by such gate-keeper, according to the laws then in force, shall at all seasonable times permit the surveyors or inspectors of the said duties by this act made payable, to inspect such certificates gratis, and to take copies thereof, or of such parts thereof, or extracts from the same, as the said surveyor shall think necessary for securing the payment of the said duties; and if any person shall wilfully refuse to permit such inspection, or such copy to be taken, he or she shall forfeit the sum of 100*l.*"

Sect. 47. "That the name and place of abode of every person licensed to let post-horses by the commissioners for managing the duties on stamped vellum, parchment, and paper, under the laws in force, shall annually be transmitted to the office for the affairs of taxes by the said commissioners, whenever the said duties shall not be let to farm, or otherwise, by the farmers and collectors of the said duties."

Sect. 48. "That every person who hath or shall have divers places in Great Britain, wherat he or she shall use or exercise the trade or business of a horse-dealer, and is or may be desirous of paying the said duties at one of such places, such places not being within different limits, as set forth in the said schedule marked H, subjecting him or her to different duties, shall be obliged to deliver a declaration at each of such places, declaring therein the particular county and parish or place where he or she intends or ought to be charged for the said duty, to enable the assessor or assessors at such place to charge the same accordingly; on pain that every person offending in any of the particulars before mentioned shall be chargeable at either place, and for neglect in making such return shall forfeit and pay the sum of 20*l.*; provided that every person

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.
the duties, at any
time within one
year.

Parents and
guardians shall
pay duties
charged upon
infants and exec-
utors, &c.

Assessments on
persons deceased.

Duties charged on
landlords under
schedules (A.) &
(B.) may be levied
on occupier, who
may deduct
amount out of
rent.

Parishes in which
assessments are
made, shall be
answerable for
the duties, and
for payment by
collectors under
this act and
43 Geo. III. c.
99 (a).

same be proved before the commissioners acting in the execution of this act, or any two or more of them, where such person dwelleth or resideth at any time within one year next after such charge ought to have been made, every person that shall so escape from the taxation and payment shall be charged (upon proof thereof) at treble the value of so much as he or she should or ought to have been charged at by this act, the said treble value to be charged in the assessment on such person, and on nonpayment thereof to be levied on the goods, lands, and hereditaments of such persons."

Sect. 54. "That where any person or persons chargeable with the duties hereby made payable as aforesaid shall be under the age of twenty-one years, or where any person so chargeable shall die, in every such case the parents and guardians of such infants respectively, upon default of payment by such infants, and the executors and administrators of the person so dying, shall be and are hereby made liable to and charged with the payments which the said infants ought to have made, and the persons so dying were chargeable with; and if such parents or guardians, or such executors or administrators, shall neglect or refuse to pay as aforesaid, it shall be lawful to proceed against them in like manner as against any other person or persons making default of payment of the duties hereby made payable; and all parents and guardians, making payment as aforesaid, shall be allowed to all and every sum and sums paid for such infants in his, her, or their accounts; and all executors and administrators shall be allowed to deduct all such payments out of the assets and effects of the person so dying."

Sect. 55. "That where, in the assessment of any parish, ward, or place, by virtue of the rules contained in schedules (A.) or (B.), the said duties shall be charged on the landlord or landlords, or owners of any dwelling-houses let in different apartments, stories, tenements, lodgings, lands, or landings, and not on the respective occupiers thereof, and the landlords or owners shall not reside in such parish or place, or shall not have sufficient goods or chattels in such parish or place whereon the duties so assessed shall or may be levied, and such landlords or owners shall not have paid the said duties, then and in such case it shall be lawful for the collector or collectors to demand the same of and from the tenant or tenants, occupier or occupiers thereof, or any of them, and on non-payment thereof shall and may levy the said duties on the goods and chattels of such tenants and occupiers respectively, by distress and sale as aforesaid, as if the said duties were charged on such tenants and occupiers, and such tenants and occupiers are hereby required and authorized to pay such sum or sums of money as shall be so assessed, and to deduct out of the rent of such apartments, stories, tenements, lodgings, lands, or landings, such payments as the landlords and owners have been charged with; and the said landlords and owners, both mediate and immediate, according to their respective interests, are hereby required to allow such payments upon receipt of the residue of the rent, and every such tenant and occupier shall be acquitted and discharged of so much money as the said assessment or assessments shall amount unto, as if the same had actually been paid unto such landlords or owners."

Sect. 56. "That in England, Wales, or Berwick-upon-Tweed, the ward, parish, or place in which any assessment shall be made of the said duties shall be answerable for the amount of the duties which shall be charged in such ward, parish, or place, and for the said duties being duly demanded of the respective persons charged therewith, within ten days after the same are payable by virtue of this act by the collector or collectors

(a) See observations in *The Earl of Shaftesbury v. Russell*, 3 D. & R. 84; 1 B. & C. 669; *Judson v. Dixon*, 1 M. & Sel. 601; *ante*, p. 29. As to re-assessment, see 20 Geo. II. c. 3, s. 34; 25 Geo. III. c. 47, s. 25; *Rex v. Inhabitants of St. George's, Hanover Square*, 3 Anst. 920; *Barrs v. Digby*, 1 New R. 287; *Ex parte Parish of Henllan*, 7 Price, 594; *Wightw.* 1; 46 Geo. III. c. 65, s. 189, 190.

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

Proof of dimensions of windows to lie on occupier.

Distinct tenements may be examined in like manner.

Assessors to bring in certificates of assessments for duties, with names of persons claiming exemptions, &c., according to the regulations of 43 Geo. III. c. 99; (and see c. 150).

Inspectors and surveyors may inspect returns and assessments, and amend the latter before they are allowed by commissioners,

house or houses, and the premises occupied therewith, and to measure such windows or lights externally, that cannot be conveniently seen, numbered, or measured, without passing through such house or houses; and shall also have liberty to make like view, examination, and inspection, twice in the year during the continuance of this act; and if any dispute shall arise touching the dimensions of any window or light, the proof thereof shall lie upon the occupier or occupiers, who shall cause the same to be duly admeasured at his and their proper costs, and verified before two or more of the said commissioners, on the oath or affirmation of the person admeasuring the same."

Sect. 61. "That where any dwelling-house shall be divided into distinct tenements, requiring each tenement to be separately assessed, it shall be lawful for the said assessors, surveyors, and inspectors, and every of them, to take an account of the number of windows in each distinct tenement, and for that purpose shall have liberty to enter into the same, and to view, number, and measure the windows therein, as well internally as externally."

Sect. 62. "That the respective assessors acting in the execution of this act shall bring in their certificates of assessments, in writing under their hands, within the limited time by the said recited act of the present session of parliament, to be verified as therein directed, of every dwelling-house, inhabited or not inhabited, within the limits of those places for which they are to act, and of the number of windows or lights in each house, and the full and just yearly rent which every such dwelling-house, with the offices and premises hereby charged, is really worth, estimated according to this act, together with the names and surnames of the several occupiers or inhabitants of each dwelling-house, and also the greatest number of male servants, or other male persons herein described, carriages, horses, mules, and dogs, which shall have been retained, kept, or used, within the then preceding year, for which the persons retaining, keeping, or using the same, ought to be assessed to any of the duties made payable by this act for the current year, within the limits of those places for which they act, and the names and surnames of the several persons who shall have retained, kept, or used the same; and also the names and surnames of all persons within such limits liable to the duties, in respect of their trade or business of a horse-dealer, or of their trade or business of a coachmaker, or maker of carriages, or seller of carriages by auction or on commission, or in respect of hair-powder, or any armorial bearings or ensigns, worn or used by them, and of the several sums of money they respectively ought to pay by virtue of this act, in each case respectively, without concealment or favour; and also the names and surnames of those who have claimed exemptions from the said duties, or any of them, and the causes of such exemption, under the penalty contained in the said recited act, observing therein, as to the time of bringing in such certificates, the regulations of the said recited act."

Sect. 63. "That the surveyors or inspectors appointed or to be appointed, as herein mentioned, shall be and they are hereby empowered to inspect and examine all and every the returns of lists or declarations made by any person or persons chargeable to the said duties, or any of them, according to the directions of this act, and also all and every the assessments of the said duties, or any of them, made for any parish or place, as well before as after the commissioners shall have signed and allowed the said assessments, and, before such allowance, to correct and amend such assessments, if he or they shall see fit; and every person in whose custody any such lists shall be, shall and is hereby required, upon the request of any such surveyor or inspector as aforesaid, to deliver the same into his custody for the purposes of this act, taking his receipt for the same; and every person in whose custody any such assessment shall be, shall and is hereby required, upon the request of such surveyor or inspector, as aforesaid, to produce the same; and such surveyor or inspector is hereby authorized to take charge of the same until he shall

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.
by delivering lists
on oath (see
s. 56),

or on objection, of
surveyor, assessment shall be
made in double
duty, subject to
appeal.

Form of affidavit
to be annexed to
return (see s. 65).

On omissions in
returns, surcharge
may be avoided
by new return on
oath (and pro-
ceedings as under
s. 65).

Form of affidavit
in aid of defective
returns.

of surcharge shall be given, as aforesaid, on occasion of his or her having neglected to make any return, as required by this act, at any time previous to the time appointed for hearing appeals next after the delivery of such notice, to make out and deliver to the surveyor or inspector, who have delivered the notice of surcharge, a true, perfect, and complete list or lists, or declaration or declarations, in the forms directed by this act, and as the case may require, so that he or she may, from such mentioned lists or declarations, so delivered, be charged to the said the full sum at which he or she ought to be charged by virtue of this act; provided that, to every such list or declaration, there shall be annexed an affidavit in writing, to the effect hereinafter mentioned; and the said surveyor or inspector shall be satisfied with such list or declaration and affidavit, then he shall certify such return and affidavit to two or more of the said commissioners, with the amount of the duty so charged, who shall thereupon cause the assessment to be made according to such certificate, and the same rate of duty as set forth in the schedule to this act annexed to be charged on the person making such return without further trouble or delay; but if, upon examination of such list, declaration, or such affidavit, the said surveyor or inspector shall see just cause to object thereto, he shall thereupon certify such return and affidavit together with the cause of his objection, to two or more of the said commissioners, who shall thereupon cause the assessment to be made according to such last-mentioned certificate, in double the amount of the duty at which such person shall be surcharged; and from which charge no abatement shall be made on any pretence, unless on appeal, as hereinbefore directed; of which certificate notice shall be given by the surveyor to the person to be charged thereby."

Sect. 66. "That every such affidavit shall allege and declare in substance or to the effect as follows: (that is to say,) that the deponent was not at his or her dwelling-house, or other place of abode, at the time appointed for the fixing or delivery of general or other notice, for making return as required by this act, nor between that day and the time limited for making such return to the assessor, and that he or she had not any such notice; or, that he or she was disabled by sickness from making such return; or, that the non-delivery of such return was occasioned by the following unavoidable mistake or accident, without any intention to defraud the revenue; *videlicet [here set forth the cause of such default]*; and that the return annexed to this affidavit is a full, perfect, and complete return of all matters and things required of the said deponent by this act, to the best of his or her judgment; which affidavit may be taken before any one or more of the commissioners acting for the place where the surcharge shall be made, or where the party surcharged shall reside, and shall be signed by the party making the same."

Sect. 67. "That it shall be lawful for any person to whom such notice of surcharge shall be given, on occasion of his or her having omitted in the return made any person or description, or any article, matter, or thing, which ought to have been contained therein, or of having claimed any exemption not allowed by this act, to amend such return, by delivering to the surveyor or inspector, as aforesaid, a new return, according to the directions before given, to which an affidavit shall be annexed, to the effect hereinafter mentioned; and the said surveyor or inspector shall be at liberty to certify his satisfaction therewith, or his objection thereto, in the manner hereinbefore directed, according to which certificate, the party surcharged shall be assessed in the single duty to the full amount at which he or she shall be chargeable, or in the double duty on the amount of the duty so surcharged, as the case may require, subject to the like power of appeal from such charge in the double duty, and to the like proceedings, in all other respects, as are before given and directed."

Sect. 68. "That every such last-mentioned affidavit shall allege and declare the grounds and cause of each omission, or claim of exemption, as well to matter of law as fact, whether the deponent shall persist in

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 161.

Not to defeat any action against surveyor under

43 Geo. III. c. 90, s. 23, or c. 150, s. 19.

Court may mitigate penalty.

Assessors, &c. or appellants, may demand a case for the opinion of a judge (a).

If surcharge confirmed, assessment shall be in double duty, &c., as on appeal.

40s. costs on appellant having demanded a case, if surcharge confirmed.

When cases obtained by inspectors, &c. shall not be returned with-

of suit: provided always, that nothing hereinbefore contained, nor any suit by the party aggrieved, in pursuance of this act, shall be construed to affect, impeach, or defeat any action or information brought or to be brought against any surveyor or inspector, in pursuance of the said recited acts respectively, for any corrupt, vexatious, or illegal practices in the execution of his office; and it shall be lawful for the judge before whom such inspector or surveyor shall have been convicted of such offence, by indorsement on the postea, or for the court before whom such person shall be convicted, to mitigate the penalty at his or their discretion."

Sect. 73. "That if any such assessor or assessors, surveyor or surveyors, inspector or inspectors, or the persons appealing either against the original assessment or surcharge, or against the certificate of the inspector or surveyor as aforesaid, or against the assessment to be made thereupon, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, he or she shall then declare himself or herself dissatisfied with such determination: it shall be lawful to and for such assessor or assessors, surveyor or surveyors, inspector or inspectors, or appellant respectively, to require the said commissioners to state specially, and to sign the case upon which the question arose, together with the determination thereupon, whence case the said commissioners, or the major part of them then present, are hereby required to state, and sign accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted, if in England, Wales, or Berwick-upon-Tweed, to one of the justices of the Court of King's Bench or Common Pleas, or to one of the barons of the Court of Exchequer for the time being at Westminster, and if in Scotland, to one of the lords of the Court of Session, or the barons of the Court of Exchequer in Scotland; and every such judge is hereby required, with all convenient speed, to return an answer to each case so transmitted, with his opinion thereon subscribed thereto, according to which opinion, so certified, the assessment which shall have been the cause of such appeal shall be altered or confirmed: provided always that where the opinion of such judge shall be in support of any surcharge the assessment thereupon shall be made in the double duty, or shall be mitigated to such sum as shall have been determined by the commissioners at the time of the appeal: provided also, that notwithstanding any such case so transmitted to any of the said judges, the instalment on the assessment as determined and allowed by the said commissioners, which shall become due precedent to the opinion being certified by any such judge upon such case, shall be collected and levied as if no such case had been transmitted.

Sect. 74. "That if, according to the opinion of any of the said judges to whom any case shall, at the request of the appellant or appellants, be transmitted in pursuance of any of the directions contained in this act, the charge or surcharge upon which the question contained in such case shall have arisen shall be confirmed and established, the person or persons so charged or surcharged shall, for the costs and charges attending the same, pay to the use of his majesty, his heirs and successors, the sum of 40s., in addition to the assessment or surcharge so confirmed and established as aforesaid, and which costs shall be added to such assessment, and levied and collected therewith, and as part of the duty so assessed."

Sect. 75. "That whenever any case or cases to be transmitted to any of the said judges for his or their opinion thereon, in the manner directed by this act, shall have been obtained by any inspector or inspectors, su-

(a) The 45 Geo. III. c. 71, s. 3, provides, that if the opinion of a judge shall be against the assessment, the Tax-office may order receiver-general to repay money overpaid on assessment,

By the 4 Geo. IV. c. 11, copies of cases determined by the judges are to be annually laid before parliament. See the act, *post*, p. 104.

S. 6^t of the Act
named Taxes
themselves.

^{48 Geo. III. c. 55.}
Treasury to ap-
point salaries to
officers and
pay them in
paper notes

A. warrant to
receiver-general,
collector, &c.,
clerk to remit
etc.

* Sect. 6. 75.

Clerk shall not
take any fee, &c.

Penalties recover-
able as under in
England, 43 Geo.
III. c. 50, and c.
150, in Scotland.

Time of payment
of duties by col-
lectors to the
receivers-general,
and by them into
exchequer

or charters, or any clause of non obstante, or other matter or thing therein contained, or any law or statute to the contrary notwithstanding."

Sect. 7.^t "That out of the monies from time to time arisen or to arise of or from the said duties made payable by this act, it shall be lawful to and for the said commissioners of the treasury, or any three or more of them, now or for the time being, or the high treasurer for the time being, to settle and appoint such salaries and allowances for the service, pains, and labour of the surveyors, inspectors, and other officers to be employed in the execution of this act, and otherwise in relation thereto, and also to discharge such incident charges and expenses as shall necessarily attend the execution of this act, as the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall think fit and reasonable in that behalf."

Sect. 79. "That every receiver-general shall have an allowance of two-pence in the pound for all the monies which shall be by him paid into the receipt of the exchequer: and that every collector shall have three-pence in the pound for what money he shall pay to the receiver-general, his deputy or deputies, within the time limited by the said recited act: and that for the careful writing and transcribing the said assessments, warrants, estreats, and duplicates, in due time, and for the due, speedy and effectually executing all matters and things directed to be performed under the said commissioners, the clerk of the respective commissioners, who shall perform the same within the respective times limited by this act, shall, by warrant under the hands of two or more of the commissioners, have and receive from the respective receivers-general, their deputy or deputies, three-halfpence in the pound, of all such monies as he or they shall have received by virtue of such warrants or certificates, who is and are hereby appointed and allowed to pay the same accordingly, provided this act be carried into execution in due time, and in an effectual manner, for the district in which he shall be appointed the clerk, and all warrants or estreats be made out, and the duplicates delivered to the said receiver-general, and into the office of king's remembrancer as aforesaid, within the times limited by this act,* and not otherwise; and no other person except the person appointed to be his assistant as aforesaid, shall, under any pretence whatever, be entitled to, or receive, or take any part of the reward hereby given to such clerk; the amount whereof shall be apportioned and settled by the respective commissioners; nor shall any such clerk or assistant, under any pretence whatever, demand, take, or receive any fee, gratuity, or perquisite, for any matter or thing to be done by him or them, by virtue and under the authority of this act, from any person or persons other than the receiver-general, his deputy or deputies, in manner aforesaid."

Sect. 80. "That all pecuniary penalties and forfeitures imposed by this act shall and may be sued for, recovered, and applied in such manner and form as is directed by the said recited acts respectively in regard to the pecuniary penalties and forfeitures thereby imposed."

Sect. 81. "That the collectors shall pay over the whole of the sums by them received by virtue of this act, in manner and upon the days of payment following; that is to say, in England, Wales, and Berwick-upon-Tweed, the same shall be paid quarterly unto the respective receivers-general, or their respective deputies, within twenty days after the respective days appointed for the payment thereof, at such places as shall be appointed by such receivers-general, and the said receivers-general shall cause the same to be paid into the receipt of his majesty's exchequer at Westminster, before the end of the quarter in which the same shall be received, according to the provisions of the said first recited act; and in Scotland the same shall be paid half-yearly to the receiver-general at Edinburgh, *videlicet*, on or before the 25th day of December, for the first half-year's instalment of the said duties, and on or before the 24th day of June for

(a) Repealed by the 48 Geo. III. c. 55, s. 7.

3. Of the Assessed Taxes themselves.

43 Geo. III. c. 16.
See 42 Geo. III.
c. 34, s. 41.

Repeal of former duties, and of such parts of acts as relate to those duties.

to the sum of 1,597,596/.; and that the excess of the said rates and duties above the said sums shall be deemed a permanent increase to the public revenue of Great Britain, for the purpose of defraying any increased charge occasioned by any loan made or stock created by authority of any act of parliament passed in the present session of parliament.

Sect. 34. "That from and after the 5th day of April, 1804, the several rates and duties contained in any of the acts hereinafter mentioned, in lieu whereof other duties are hereby substituted, and also such parts of the several provisions of the said acts which relate to the duties made payable by this act, or any of them, shall be and are hereby repealed; that is to say,

" 20 Geo. II. c. 3, for duties on houses, windows, and lights—20 Geo. II. c. 42, and 21 Geo. II. c. 10, for amending said act—20 Geo. II. c. 3, 26 Geo. II. c. 17 (misrecited as an act of his present majesty), for windows in Scotland—2 Geo. III. c. 5, duties on windows—6 Geo. III. c. 38, repealing former duties on houses, windows, and lights, and granting others—17 Geo. III. c. 39, duty on servants—15 Geo. III. c. 26, duties on inhabited houses—19 Geo. III. c. 59, repealing duties under 18 Geo. III., and granting others, and amending 17 Geo. III. c. 39, as to servants—21 Geo. III. c. 31, for collecting duty on servants—24 Geo. III. st. 2, c. 31, duty on horses—24 Geo. III. st. 2, c. 38, duties on inhabited houses—25 Geo. III. c. 43, repealing duties on servants and granting others—25 Geo. III. c. 47, transferring duties from excise and stamps to Tax-office—26 Geo. III. c. 79, for explaining 25 Geo. III. c. 47—29 Geo. III. c. 49, horses and carriages—32 Geo. III. c. 2, inhabited houses, repealing 6 Geo. III. c. 38, in part—36 Geo. III. c. 15, new duty on horses—36 Geo. III. c. 16, additional duty on horses—36 Geo. III. c. 117, lights in dairies—36 Geo. III. c. 124, duties on dogs—37 Geo. III. c. 106, additional duty on horses—37 Geo. III. c. 107, additional duties on servants—37 Geo. III. c. 134, further additional duty on horses—38 Geo. III. c. 40, repealing duties on houses, windows, lights, and inhabited houses, and granting others in lieu—38 Geo. III. c. 41, repealing former duties on servants, carriages, horses, mules, and dogs, and granting others—38 Geo. III. c. 80, to amend said c. 41—38 Geo. III. c. 93, taxed carts—41 Geo. III. (U. K.) c. 9, horses, additional duty and exemption—41 Geo. III. (U. K.) c. 40, exemption on horses of clergymen—41 Geo. III. (U. K.) c. 62, exempting Irish members, &c. from duties—41 Geo. III. (U. K.) c. 69, duty on hair-powder and armorial bearings transferred to Tax-office—36 Geo. III. c. 17, duty on horse-dealers—41 Geo. III. (U. K.) c. 71, duty on horse-dealers transferred to Tax-office—42 Geo. III. c. 34, consolidated duties on windows, lights, and inhabited houses—42 Geo. III. c. 37, consolidated duties on servants, carriages, horses, mules, and dogs—42 Geo. III. c. 100, explaining acts as to horses, servants, and carriages."

Except as to arrears and penalties, and such provisions of the said acts as relate to other things.

" And that all the acts heretofore repealed by any of the said acts before mentioned to be repealed, shall be deemed to be and construed also to be and continue repealed, according to the respective provisions thereof; save and except in all cases relating to the recovering, collecting, paying, or accounting for any arrears of the several duties hereby repealed, which may become payable on or before the said 5th day of April, 1804, and may after that time remain unpaid, and to the recovering any penalty or forfeiture which shall have been then incurred under and by virtue of the said several acts, or any of them, and the provisions of the said acts relating thereto; save also and except such parts of any of the said acts which relate to any matters or things other than the said duties or the methods of assessing, levying, and collecting the same."

Sect. 35. Commissioners and other officers under this act were empowered to levy arrears of duties due under any former acts.

Sect. 36. "That if any action or suit shall be brought against any person or persons for any thing done in pursuance of this act, or any act

Limitation of actions, six months (a).

(a) As to the construction of clauses of this kind in general, see "Justices." Vol. III.

3. Of the Assessed Taxes themselves.

48 Geo. III. c. 55.

Sect. 1 enacts, that the duties contained in the schedules to this Act, (A.) to (K.), shall be levied instead of former duties.

Sect. 2 repeals the former duties, and enacts that the new duties shall be levied under the directions of 43 Geo. III. c. 161, *ante*, 70 to 101.

Sects 3 and 4 repeal the stamp duties on game licences, and impose duties in schedule (L.), in respect of killing game.

Sect. 5 enacts, that the new duties shall be assessed and collected, &c. under the powers of the 43 Geo. III. c. 99, *ante*, 3 to 48; 43 Geo. III. c. 161, *ante*, 70 to 101; 45 Geo. III. c. 5, *ante*, 6.

Sect. 6 provides, that the commissioners, and other officers appointed for the assessed tax act, shall put in execution this act (48 Geo. III. c. 55), and that the monies levied shall be under the care of the commissioners for the affairs of taxes.

Sect. 7 provided allowances to receivers-general, collectors, and clerks, but this was repealed by the 3 Geo. IV. c. 88, *ante*, 16.

Sect. 8 then enacts that the duties shall be carried to the consolidated fund.

Sect. 9 provides that accounts of duties shall be kept, and laid before parliament, &c.

Then follow the schedules, the existing parts of which are at the end of this division, *post*.

48 Geo. III. c. 141.

50 Geo. III. c. 104.

See the 48 Geo. III. c. 141, *ante*, 50 to 55.

The 50 Geo. III. c. 104, altered the duties on servants and carriages, but enacted that the new duties should be assessed under the regulation of former acts, and directed that makers of taxed carts should return their names, and keep accounts of carts sold; directed the makers of such carts to paint *place and owner's name* before delivery, and *subjected persons using carts without particulars painted* to a penalty (a); exempted the duty on windows of a house used solely for the purpose of manufacture; and contained a schedule of duties on gardeners (repealed by 4 Geo. IV. c. 11, s. 1); a schedule of duties payable on taxed carts (repealed by 4 Geo. IV. c. 11, s. 1; 6 Geo. IV. c. 7, s. 1); a schedule of duties on four-wheeled carriages; and a schedule of duties on makers of taxed carts.

52 Geo. III. c. 93.

The 52 Geo. III. c. 93, granted new and additional duties. The schedules (C.) and (D.) of that act were repealed by the 4 Geo. IV. c. 11, and 4 Geo. IV. c. 7, s. 1. These will be incorporated in the schedules, *post*.

54 Geo. III. c. 141.

The 54 Geo. III. c. 141, enacts, that the duties in schedule 53 Geo. II. relating to persons assisting in killing of game, shall cease, if assistance be given to another who has obtained a certificate, &c.

56 Geo. III. c. 66.

The 56 Geo. III. c. 66, reduced the duties on horses used for the purposes therein mentioned, for two years, and repealed the acts granting allowances in respect of children. The sections 1 to 10 are expired. The 11th section repealed the 46 Geo. III. c. 88, and 52 Geo. III. c. 147, as to allowances of duty in respect of children.

57 Geo. III. c. 25.

The 57 Geo. III. c. 25, explains and amends the 48 Geo. III. c. 55, and enacts, that tenements which have been occupied as dwelling-houses shall not be charged to duties under the recited act, when employed solely for the purposes of trade, or as warehouses, shops, or counting-houses; but that such tenements may be brought into assessment, and persons claiming relief shall give notice to appear, and deliver a declaration as therein mentioned; and sect. 2 provides that if such tenements are used for any other purpose, then commissioners shall assess them accordingly. Sect. 3 expired. Sect. 4 enacts, that mills, or places of manufacture, &c., not attached to a dwelling-house, shall not be liable to duty, though a servant licensed to guard the same, abide therein. Sect. 5 exempts dairies in farm-house, having only one window, from the window-duty. See the act, *post*, schedule (B.).

58 Geo. III. c. 16.

The 58 Geo. III. c. 16, relates to duties on horses, and was repealed by

(a) Repealed by 4 Geo. IV. c. 11, s. 4.

3. Of the Assessed Taxes themselves.

—
Geo. III. c. 11.
assessed at 1s. per annum only.

4 Geo. IV. c. 11.

Certain duties on windows in shops and on certain servants, carts, and horses, etc., repealed.

One moiety of the duties on windows:

on male servants b.:

on carriages.

and on horses to come.

keeper duly appointed by any lord or lady of the manor, such game-keeper being an assessed servant, shall not be liable to be assessed as an additional servant, but shall be assessed after the rate of 10s. per annum, and no more, unless such under-keeper be also employed in some other capacity by which he is liable to be assessed as a servant under the provisions of the said recited act of the fifty-third year aforesaid."

The 4 Geo. IV. c. 11, repeals certain of the duties of assessed taxes, reduces other duties, and relieves persons who have compounded for the same.

Sect. 1 enacts, "That, from after the fifth day of April, 1823, in that part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed, and from and after the twenty-fourth day of May, 1823, in that part of Great Britain called Scotland, for and in respect of and upon all assessments to be made for any year, commencing from the respective days and year last aforesaid, so much of the said duties on windows or lights in shops or warehouses, being parts of dwelling-houses chargeable by the said first-mentioned act, in respect of any number not exceeding three such windows or lights in any shop or warehouse, in the front or fronts, and on the ground or basement story of every dwelling-house occupied by any person or persons in trade, who shall expose to sale or sell any goods, wares, or merchandizes, in any such shop or warehouse; and also the whole of the said duties on gardeners, and on servants in husbandry or trade, and on taxed carts, and on horses, mares, geldings, or mules, hereinbefore respectively and particularly enumerated and described, and all assessments thereon for and in respect of any year commencing from and after the respective days aforesaid, shall severally cease and determine" (a).

Sect. 2. "That, from and after the said 5th day of April, 1823, in that part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed, and from and after the 24th day of May, 1823, in that part of Great Britain called Scotland, on all assessments to be made for any year commencing from the respective days last aforesaid, one moiety and equal half part of each and every of the duties on windows or lights set forth in the said schedule marked (A.) of the said act, passed in the forty-eighth year of the reign of his said late majesty; and also one moiety and equal half part of each and every of the several duties on male servants and male persons, respectively set forth in the respective schedules marked (C.) No. 1, No. 3, and No. 4, of the said acts, passed in the forty-eighth and fifty-second years of the reign of his said late majesty; and also one moiety and equal half part of each and every of the duties on carriages with four wheels, and of each and every of the duties on carriages with two wheels, respectively set forth in the respective schedules marked (D.) No. 1, No. 2, No. 3, and No. 4, of the said acts, passed in the forty-eighth and fifty-second years aforesaid; and also of the duties on carriages granted by schedule (D.) No. 2, of the act passed in the fiftieth year of his said late majesty's reign, and also by another act passed in the fifty-eighth year of his said late majesty's reign, intituled 'An Act for charging certain Duties on Four-Wheel Carriages, constructed and drawn in the Manner therein stated'; and also one moiety and equal half part of the duties made payable on all horses, mares, geldings, or mules, respectively set forth in the respective schedules of the said acts, passed in the forty-eighth and fifty-second years aforesaid, marked schedule (E.) No. 1, schedule (E.) No. 2, schedule (E.) No. 3, and schedule (F.) No. 1; also, one moiety and equal half part of the duties on horses, mares, geldings, or mules, described in and granted by an act passed in the fifty-ninth year of his said late majesty's reign, intituled, 'An Act to continue Two Acts of the Fifty-sixth and Fifty-eighth Years of his present Majesty,

(a) The repeal of the duties of 3s., 2s. 10d., and 2s., extended to horses under thirteen hands.

(b) The 3 & 4 Will. IV. c. 39, s. 4, post, 127, repeals duties in certain cases of male servants.

3. Of the Assessed Taxes themselves.

4 Geo. IV. c. 11.

thereof, and the full value thereof, or the actual price or compensation paid or given for the same, to be marked or painted on a black white letters, on the outside of the back panel, or back part of the carriage, shall, from and after the passing of this act, be and is declared to be discontinued and repealed; but every such carriage aforesaid shall in every other respect (except as herein varied) be constructed according to the regulations of the said acts and rules therein contained; and it shall be lawful for any person keeping and using any horse, mare, gelding, or mule *bond* for the purposes of husbandry, to use any such horse, mare, gelding, or mule drawing any carriage of the description of a taxed cart, the duty is repealed by this act, and kept by any such person respectively her, or their own use, free of any duty chargeable under the said respect of any such horse, mare, gelding, or mule, in and by a payment to be made for any year commencing from and after the day of April, 1823."

Exemptions to shopmen under fifteen years, extended to shopmen under eighteen years (a).

Proviso.

Persons having compounded for a two-wheel carriage may substitute a four-wheel carriage in the composition, paying the difference of duty, and 5*l.* per cent. on the difference.

Copies of taxation cases determined by the judges to be annually laid before parliament.

Sect. 5. "That the powers and provisions contained in an act in the fifty-ninth year of the reign of his said late majesty, for the relief from the duties charged on shopmen by the said acts to a person wholly maintained and lodged in the house of his employers, such persons respectively being under the age of fifteen, shall, upon every assessment made or to be made after the 1st April, 1823, be extended to all and every such male person described in the said act, being respectively under the age of eighteen years: always, that the causes of every exemption in respect of any person shall be truly returned and stated in the manner directed in the said act, and the several other acts in force before the passing of the said act."

Sect. 6. "That in case any person who, having compounded with the said recited acts in respect of a carriage with two wheels, is desirous, during the year commencing on the 5th day of April next, of discontinuing to keep the same, and of substituting a carriage with four wheels in lieu thereof, it shall be lawful for him, her, or them so desirous, giving notice of such his or her intention to the surveyor of the district, or to the commissioners of the excise, or to the commissioners of the customs, acting for the district in which such person shall reside, six calendar months after the passing of this act, on payment of the difference of duty so compounded for on a two-wheeled carriage, reduced by this act, and the duty chargeable by the said act, reduced by this act, on a four-wheeled carriage, together with the sum of 5*l. per centum* on such difference, to be indorsed by certificate of such contract of composition by any two of the commissioners of the excise, or by any two of the commissioners of the customs, the execution of the same acts in the district in which such composition has been entered into, and to be made payable from and after the 1st April, 1823, by half-yearly instalments, during the continuance of the said contract; and which additional payments shall be enforced in the same manner as if they were originally inserted in every such contract: any person seeking the benefit of this provision shall and may, during the continuance of his or her said composition, keep and use any four-wheeled carriage free of duty" (b).

Sect. 7. "That copies of all cases, which shall, after the passing of this act, be stated and signed by any commissioners acting in the name of the said acts and of this act, at the instance and request of any inspector, surveyor, or person appealing under the powers given by the said acts contained, and which shall be determined by any one or more of the justices of the Courts of King's Bench or Common Pleas, or of the Court of Exchequer, for the time being at Westminster, in England, or at Berwick-upon-Tweed, or by any one or more of the

(a) See 3 & 4 Will. IV. c. 39, post, 127, repealing duties on shopmen. the privileges of persons originally entitled to compound for a four wheel carriage.

(b) Persons so compounding to have

Taxes, Assessments, &c.

[4]

and makers of other carriages chargeable with duty by the said act, on carriages made, sold, or repaired, as therein mentioned; several duties granted to his majesty under the provisions mentioned acts, and made payable by the said sch No. 6, by persons selling carriages by auction or on condition the duty granted to his majesty on carriages with four ponies, mules, oxen, or asses, and made payable by the fifty-eighth year of his said late majesty's reign, in discharging certain Duties on Four-wheeled Carriages drawn in the Manner therein described; and also the majesty by an act passed in the fifty-ninth year of the late majesty, upon every person keeping any mule or horse of carrying ore, slate, or stone, coal, or culm, to a pit, or for the purposes of carrying lime, sea-sand, sea-nure, on the backs of such mules, as therein mentioned respectively cease and determine; and all assessment commencing as aforesaid, so far as the same shall apply any of the duties hereby repealed, shall be null and void.

Sect. 2. "That where the occupier or tenant of a cottage, or tenement, chargeable with duty, shall make an assessment shall be made, and such occupier thereof, on so quitting, to the assessor, in the manner directed by the said acts, the duty thereon shall be discharged by the executing the said acts and this act, for the particular of the year of such assessment, during which it shall have been made; commissioners such house, cottage, or tenement shall each entire quarter wholly empty and unoccupied, and quitting shall not have taken place on the actual date of lease or demise by which such occupier or tenant held the manner described by the said act passed in the forty-eighth year: provided also, that where any house, cottage, or tenement have been built, or otherwise completed for occupation, making the assessments yearly, as directed by the said act, shall, after the expiration of the first or of any subsequent year become occupied during a portion only of the year, such house, cottage, or tenement shall, on notice of occupation, to be given by the occupier in the manner directed by the said act, be assessed and charged with the said duty of the year of assessment during which such house, cottage, or tenement shall be actually occupied,—to wit, from the end of the preceding such occupation; and when any window is made, opened, or restored in any dwelling-house, cottage, or tenement after the commencement of each year's assessment, shall be given as directed by the said acts, the assessments or lights in such house, cottage, or tenement, shall be amended in respect of any such additional window or windows, and the duty shall be charged and assessed for the full number of windows for the remainder only of the year commencing from the end of the quarter of the year preceding the increase of such window or windows: provided always, and in every case of default of notice of the commencement of occupation, or of the increase of windows, as directed by the said acts in the cases herein mentioned, and also in every case where any house, cottage, or tenement, shall become occupied, or the additional window or windows therein shall be made or restored within and before the expiration of the first quarter of the year of assessment, the assessments or amended assessments herein directed shall be made and payable for the whole of the year within which such occupation shall have commenced, or such additional number of window or windows shall have been made or restored: provided further, and where any additional window or windows shall be made, opened or restored, in any house, cottage, or tenement, containing, at the commencement of the year of assessment, not more than seven

holes
due to
number of

3. Of the Assessed Taxes themselves.

6 Geo. IV. c. 7.

No other duties to be substituted for those repealed.

Proviso.

Proviso for persons assessed for carriages with less than four wheels, employing groom, &c.

Victuallers employing boys under 15.

Persons keeping taxed carts using seats not fixed, &c.

Carriages with three wheels.

Farmers under 200*l.* a-year, letting horses occasionally for hire.

Repeal of duties on coachmakers

licensed servant therein, for the purposes only of watching and ~~guarding~~ the same under such licence, shall not render the occupier thereof liable to the duties by the said acts granted, for the year in which such exemption shall be allowed, and such licence shall be obtained; and licence shall not in any case extend to authorizing any servant or to be named therein, or any part of his or her family, to inhabit ~~or dw~~ in any such house, tenement, or building, as a place of residence; anything in the said acts contained to the contrary notwithstanding.

Sect. 8. "That nothing herein contained shall render any person liable to a higher or other duty of assessed taxes in lieu of duties hereby repealed, so far as the same apply to the particular or article employed, kept, or used; provided that the employment and also the construction of any carriage, shall not exceed the limit, use, or construction respectively allowed under the regulations of the said acts or of this act, and the rules and schedules therein, by which such duties hereby repealed were granted and regulated; and the provisions of the said act passed in the fourth year of his said majesty's reign so far as the same apply to the protection of persons from furtherment to any other duty in lieu of the duties thereby repealed, (sub-therein mentioned,) shall be extended and applied to the duties repealed, to all intents as if the said provisions were re-enacted and made particularly applicable to the provisions of this act; and where any person or persons shall be chargeable with and duly assessed to the duty for any carriage with less than four wheels, and shall occasionally employ him, her, or them, in the capacity of groom, stable-boy, or helper in the stable, any person *bonâ fide* retained by him, her, or them, for the purposes of husbandry, manufacture, or trade, such person or persons shall not be charged with any duty payable by the said acts in any year commencing from and after the said fifth day of April, 1825, for a male person, by reason of such occasional employment; and where any person, being a victualler duly licensed to sell ale or beer, shall employ any one male person under the age of fifteen years to draw, carry out, or deliver by retail, any ale, beer, or liquors, which any such victualler shall be duly licensed to sell, such victualler shall not be liable to any duty chargeable by the said acts for one such male person, by reason of such employment; and any person who shall have kept and used, or who shall keep and use, any carriage, built and constructed in every respect as a taxed cart, under the rules and regulations of the said acts, shall not be liable to any other or higher duty for such carriage in lieu of the said duty on taxed carts hereby repealed, although such person shall or may have used, or shall use, the same with the seat of such carriage not fixed, or with such seat suspended by slings or braces; and any person who shall have kept and used, or who shall keep and use any carriage with three wheels, in every respect (other than in the number of wheels) built and constructed, and within the description contained in the said act passed in the fifty-eighth year of the reign of his said late majesty, for charging the duty hereby repealed on carriages with four wheels drawn by ponies, mules, oxen, or asses, shall not be chargeable with any duty for such carriages with three wheels; and any person or persons occupying a farm of less annual value than 200*l.* per annum, and making a livelihood principally thereby, shall be exempt from duty for any horses, mares, or geldings *bonâ fide* kept and generally employed by such person or persons for the purposes of husbandry on such farm, although such horses, mares, or geldings, or any of them, shall be occasionally let to hire or used by such person or persons in drawing for hire or profit, in the manner allowed by an act passed in the third year of the reign of his present majesty, by occupiers of farms of the like annual value, and making a livelihood solely thereby, and from the profits of such letting and use; any thing in the said several acts contained to the contrary notwithstanding."

Sect. 9. "That the repeal by this act of the said duties on coachmakers and on makers of carriages, and also on persons selling carriages by

I by any such clerk in the due execution of the said acts, allowance shall appear to the said last-mentioned commissioners treasurer reasonable and proper to be made, over and allowance by poundage made to any such clerk for the part assessment to which such expenses shall relate, under the he said act ; and the certificate of the commissioners for the , or any three or more of them, shall be an authority to the trial respectively to pay such further allowance."

That in every case where any certificate for exemption on poverty, obtained in the manner by the said acts directed, made and delivered to the respective commissioners, and I and adjudged by them respectively to be sufficient for exemption of person or persons from any of the duties in respect of his or house hereby repealed, if such duties had continued payable and may be lawful for the said respective commissioners, hereby authorized, upon the allowance of any such certificate the said exemption for one such dog to all intents as if the respect of the dwelling-house of the person seeking the said exemption had been discharged from the assessment certificate : provided always, that a due assessment shall be made on every such dog, and that the discharge thereof shall be made before the commissioners on the production and allowance of the certificate, and in the manner prescribed for granting exemptions by

That the several powers and provisions contained in this act are tried and put into execution by the several commissioners, collectors, inspectors, surveyors, and other officers appointed Powers granted to commissioners and officers under former acts to extend to this act.

3. Of the Assessments Taxes themselves.

1 Geo. IV. c. 7.

1 Vict. c. 17.
An additional duty of 10d. per unit. on the duties of assessed taxes granted. :
10 Geo. III. c. 53.

12 Geo. III. c. 20.

and acting in the execution of the said acts in their respective districts—
and the several powers, rules, and provisions in the said acts contained, shall
assessing, collecting, granting exemptions from and enforcing
accounting for the said duties and compositions (except so far as
are herein varied, or for which other provisions are made)
shall be practised and put in execution by such commission
officers respectively, to all intents and subject to the like
forfeitures and authorities to enforce and recover the said
powers, rules, and provisions, penalties and forfeitures, had h
re-enacted and incorporated in and by this act; anything in
tained to the contrary notwithstanding."

By 3 Vict. c. 17, s. 2, " upon all assessments made or to be
year commencing on the sixth day of April, 1840, or for an
year, of the duties of assessed taxes chargeable or to beon
under or by virtue of an act passed in the forty-eighth year of
king George the Third, intituled ' An Act for repealing the
said Taxes, and granting new Duties in lieu thereof, and cert
Duties to be consolidated therewith ; and also for repealin
Duties on Game Certificates, and granting new Duties in lie
be placed under the Management of the Commissioners for
Taxes ; ' and also an act passed in the fifty-second year of the
said king George the Third, intituled ' An Act for granting to
certain new and additional Duties of Assessed Taxes, and
dating the same with the former Duties of Assessed Taxes
respect of the several matters and things mentioned and
the several schedules to the said acts respectively annexed, a
virtue of any other act or acts for altering or reducing any of the said ~~duties~~
or for granting any other duties to be assessed or charged under the
or regulations of the said last-recited acts or either of
rising compositions to be made for any of the said du
assessed, raised, levied, and paid, unto and for the use
heirs and successors, in and throughout Great Britain,
duty of two shillings for every twenty shillings, and at a
for any greater or less sum than twenty shillings, of the
said former duties and compositions respectively char
assessment, under or by virtue of any such act or acts
force, which said additional duty shall be computed on
the sums assessed or charged for such duties or compo
on each of the several persons named in every such
fractional part of one penny of the said additional duty

Sect. 9. " That the commissioners authorized or
shall be authorized or appointed to put in executive
relating to the said former duties of assessed taxes or any of them,
on the amount of which the said additional duty is hereby imposed,
shall be commissioners for executing this present act ; and that the
several surveyors, inspectors, assessors, and collectors respectively ap
pointed or to be appointed to put in execution the said several acts before
mentioned, or any of them, shall be surveyors, inspectors, assessors, and
collectors to put in execution this present act, according to the respective
powers and authorities given to them by the said former acts or any of
them ; and the said commissioners and other the persons aforesaid, being
duly qualified to act in the execution of the said several acts relating to
the said former duties of assessed taxes or any of them, shall and they are
hereby respectively empowered and required to do all things necessary
for putting this act in execution with relation to the said further ad
ditional duty hereby imposed in respect of the said duties of assessed taxes,
in the like, and in as full and ample a manner as they or any of them are
or is authorised to put in execution the said former acts relating to the
said duties of assessed taxes, or any matters or things therein respectively
contained."

Commissioners,
i.e. appointed to
put in execution
former acts rela
tive to the duties
of assessed taxes
as put in execu
tion the present
act with relation
to the additional
duty thereon.

■ said rules, methods, and directions are expressly varied by
and all and every the powers, authorities, rules, directions,
forfeitures, clauses, matters, and things contained in any act
relative to the said former duties of assessed taxes, or any of
in force, and not hereby otherwise provided for, for the com-
charging, recovering, paying, and accounting for the said
any former act or acts granted, so far as the same are appli-
additional duty by this act imposed, and not repugnant to
directions of this act, shall be in full force, and be duly ob-
tained, and put in execution for computing, surcharging,
paying, and accounting for the said additional duty by this
as fully and effectually to all intents and purposes as if the
like powers, authorities, rules, directions, penalties, forfei-
tures, matters, and things were particularly repeated and re-
he body of this present act."

" Provided always, and be it enacted, That nothing in this
d shall extend to charge any person with duty in respect of
■ or lights which such person shall have made or opened
■ day of April, 1835, and which under the provisions of an
■ the fourth and fifth years of the reign of his late majesty
■ the Fourth, such person would be entitled to make or open
■ free of duty."

" That upon all assessments made or to be made for the
commencing on the sixth day of April, 1840, or for any subse-
in lieu of the duties of assessed taxes now payable under or
any act or acts in force for or in respect of every carriage
■ more wheels kept for the purpose of being let for hire,
■ more horses to be used therewith, by any person duly

Exemption from
duty of windows
opened since 5th
April, 1835, un-
der 4 & 5 W. IV
c. 79.

Duties of assessed
taxes reduced on
certain carriages
kept to be let for
hire with horses.

3. Of the Assessed Taxes themselves. licensed to let post horses, and whereon the name or names and place or places of abode of the person or persons so licensed shall be marked or painted, according to the directions of the acts in that case made and provided, and which shall be solely used in such manner that the duty on horses let for hire shall be payable by law in respect of the horse or horses used therewith, and shall be duly accounted for by the delivery of a ticket, according to the directions of the said acts, there shall be assessed, raised, levied, and paid, unto and for the use of her majesty, her heirs and successors, in and throughout Great Britain, the reduced annual duty of three pounds ; which said reduced duty shall be assessed, raised, levied, collected, and paid in like manner, and under and subject to the like rules, regulations and conditions, as the said duties now payable as aforesaid : provided always, that the said further additional duty by this act granted shall not be charged upon or in respect of the said reduced duty."

Act to be in force from 14th May, 1840. Sect. 14. "This act shall commence and be in force from the fourteenth day of May, 1840."

Secondly—THE DUTIES,

With the particular Rules and Exemptions affecting them (a).

We have seen that the 43 Geo. III. c. 161 ; 48 Geo. III. c. 55 ; and 52 Geo. III. c. 93, and the subsequent acts, after prescribing the general rules affecting the whole subject, enact what duties shall be paid, subject to certain particular rules and exemptions, in certain schedules, (A.) to (N.), which we will now proceed to consider in the following order : viz.

SCHEDULES to 48 Geo. III. c. 55; and 52 Geo. III. c. 93.

- (A.) On Houses according to Number of Windows, 115.
- (B.) On Inhabited Houses, 122.
- (C.) On Servants, 123.
- (D.) On Carriages, 131.
- (E.) On Horses, 140.
- (F.) On Horses not charged under last Schedule, and on Mules, 143.
- (G.) On Dogs, 150.
- (H.) On Horse-Dealers, 151.
- (I.) On Hair-Powder, 152.
- (K.) On Armorial Bearings, 153.
- (L.) Game Licences, 154.
- (M.) Exemptions, 154.
- (N.) Forms of Certificates, 158.

(a) See the division of the subject, ante, p. 2.

The first three of this list of duties
paid by the 6 Geo. IV. c. 7, s. 1,
takes off the window-tax on
houses having less than eight windows,
at worth the rent of 5*l.* per an-
uate, 107.
The duties payable under the 48

Geo. III. c. 55, were reduced to one
moiety, by the 4 Geo. IV. c. 11, s. 2,
post, 116. But to this must be added
the additional tenth imposed by the 3
Vict. c. 17, s. 8; (see *ante*, 112). The se-
cond column shows the present duties
without the additional tenth.

SCHEDULE (A.), ON WINDOWS—(continued.)

		NUMBER OF WINDOWS			Duties to be charged for Windows in every Dwelling-House and Offices in England, Wales, and Berwick-upon-Tweed, 48 G. III. c. 55, Schedule (A.)	Duties as altered by subsequent Acts (s)	
		According to which the Dwelling-House and Offices under-mentioned shall be charged.					
Windows or Lights.		£	s.	d.	£	s.	d.
40	to 44	do.	.	.	28	17	6
45	—	49	do.	.	31	13	6
50	—	54	do.	.	34	10	0
55	—	59	do.	.	37	6	0
60	—	64	do.	.	39	15	6
65	—	69	do.	.	42	0	6
70	—	74	do.	.	44	5	0
75	—	79	do.	.	46	10	0
80	—	84	do.	.	48	15	0
85	—	89	do.	.	51	0	0
90	—	94	do.	.	53	4	6
95	—	99	do.	.	55	9	6
100	—	109	do.	.	58	17	0
110	—	119	do.	.	63	6	6
120	—	129	do.	.	67	16	6
130	—	139	do.	.	72	6	0
140	—	149	do.	.	76	16	0
150	—	159	do.	.	81	5	6
160	—	169	do.	.	85	15	6
170	—	179	do.	.	90	5	0
180 and upwards		do.	.	.	93	2	6
And for every such dwelling-house which shall contain more than 180 windows or lights, for every window or light exceeding the number of 180		.	.	.	0	3	0
		.	.	.	0	1	6

One moiety of the duties on windows shall cease.

Stat. 4 Geo. IV. c. 11, s. 2, *ante*, 104, enacts, That from and after the 5th of April, 1823, in England, Wales, and Berwick-upon-Tweed, on all assessments to be made for any year commencing from the day aforesaid one moiety and equal half part of each and every of the duties on windows or lights shall respectively cease and determine, and be no longer paid or payable: provided nevertheless, that the duties hereby reduced, and to be hereafter assessed, shall not include any fraction of one penny."

Stat. 3 Vict. c. 17, s. 8, *ante* 112, imposes an additional duty of £1 per cent on the above duties.

RULES, in Schedule (A.) 48 Geo. III. c. 55, for charging Windows or Lights.

How chargeable.

"First.—The said several duties to be charged annually in respect of the windows or lights in every dwelling-house, with the household and other offices herein enumerated.

Skylights, &c.

"Second.—All skylights, and all windows or lights, however constructed, in staircases, garrets, cellars, passages, and all other parts of dwelling-houses, what use or purpose soever applied, and whether such windows or lights shall be in the exterior or interior parts of such dwelling-houses, to be charged to the said duties"(b).

Lights in offices.

"Third.—Every window or light in any kitchen, cellar, scullery, buttery, pantry, larder, washhouse, laundry, bakehouse, brewhouse, and lodging-room belonging to or occupied with any dwelling-house, whether the same shall be

(a) See note (b) in preceding page.

(b) By stat. 6 Geo. IV. c. 7, s. 5, See *ante*, 109.

the duty on interior windows deriving

light from exterior windows is repealed.

tenements, for one year, shall be levied upon and paid by the occupiers, landlord or landlords, owner or owners for the time being, or all of them, according to their times of possession thereof, without committal, notwithstanding such change in the occupation of such house, or tenement, for the year that such house shall have been assessed : at, where a tenant of any house, cottage, or tenement, shall quit the same determination of the lease or demise thereof, after an assessment to be, and shall have given notice thereof to the assessor for the place, whom shall be discharged by the commissioners for executing this act under of that year, in case it shall appear to the said commissioners of such year, that such house, cottage, or tenement shall have continually unoccupied for and during the remainder of such year."

-Where any dwelling-house is or shall be let in different apartments, houses let in adgings, or landings, and shall be inhabited by two or more persons apartments. the same shall nevertheless be charged as if such house was inhabited by one person or family only ; and the landlord or owner, landlords or such house, apartments or tenements, are or shall be deemed and the occupier or occupiers of such house, and shall be charged with the same : provided, that where the landlord shall not reside within the county, or the same shall remain unpaid by such landlord for the forty days after the same is due, the duties so charged may be levied upon the occupier, or occupiers respectively, and such payment shall be deducted out of the next payment on account of rent" (a).

—Every house, whereof the keeping is or shall be committed or left in charge of any person or servant, shall be subject to the like duties as if the same were inhabited by the owner or by a tenant ; and, if such person or servant pay rates to the church and poor, the said duties shall be paid by the owners or tenants of the said house."

—Every distinct chamber or apartment in any of the inns of court, Chambers in inns of court, or in any college or hall, in either of the Universities of Oxford or Cambridge, or any public hospital, being severally in the tenure or occupation of persons, shall be subject to the same duties as if the same were houses, which duties shall be paid by the occupier thereof respectively ; but every such chamber or apartment, which shall not contain more windows or lights, shall be charged at the rate of 3s. 6d. for every window or light."

—All dwelling-rooms in any hall or office whatever, belonging to any rooms in public halls.

3. Of the Assessed Taxes themselves.

Windows lighting two places.

Dimensions of windows.

Distinct tenements. (See VI.)

Royal family; public offices.

Hospitals, &c.

Chapels.

Proviso for charging hospitals, chapels, &c.

Dairies.

SCHEDULE (A.), ON WINDOWS—(continued.)

"Eleventh.—Every window extending so far as to give light into more landings, or stories than one, shall be reckoned and charged as so many windows as there are rooms, landings, or stories enlightened thereby."

"Twelfth.—Every window or light, including the frame, partitions, dimensions thereof, which by due admeasurement of the whole space on the a of the wall of the house or building, on the outside of such window or light exceed in height twelve feet, or in breadth four feet nine inches, not being less than three feet six inches in height, shall be reckoned and charged as two windows or lights, except such windows or lights as shall have been made of greater dimensions at any time prior to the fifth day of April, one thousand seven hundred and eighty-five ; except also the windows or lights in such parts of dwelling-houses as are used for shops, workshops and warehouses, and except the windows or lights in the public room of any house licensed to sell wine, ale, or other liquors by which shall be used for the entertainment of guests ; and the windows or lights in farm-houses especially exempted from the duties in the following schedule (B.), or in any dwelling-house not chargeable to the duties mentioned in the said schedule."

"Thirteenth.—Where any dwelling-house shall be divided into different tenements, being distinct properties, every such tenement shall be subject to the same duties as if the same were an entire house, which duties shall be the occupiers thereof respectively ; provided, that every such tenement in England, Wales, or Berwick-upon-Tweed, which shall not contain more than eight windows or lights, shall be charged at the rate of 3s. 6d. for every such window or light ; and every such tenement in Scotland which shall not contain more than seven windows or lights, shall be charged at the rate of 3s. for every window or light."

EXEMPTIONS from the said Duties, in Schedule (A.) of 48 Geo. c. 55 (a).

"Case I.—Any house belonging to his majesty, or any of the royal and every public office for which the duties heretofore payable have been his majesty, or out of the public revenue."

"Case II.—Any hospital, charity-school, or house provided for the relief of poor persons, except such apartments therein as are or occupied by the officers or servants thereof, which shall severally be assessed subject to the said duties as entire dwelling-houses."

"Case III.—The windows in any room of a dwelling-house, licensed as to law as a chapel for the purposes of divine worship, and used for no other purpose whatsoever :

"Provided that every such hospital, charity-school, house for the relief of poor persons, or room licensed as a chapel as aforesaid, is brought into charge by the assessor or assessors, or in their default, by the surveyor or inspector, and shall be stated on the certificate of assessments : and on due proof of the fact before the commissioners by the assessors be lawful for the commissioners for executing the said act to discharge the hospital, charity-school, house for the reception and relief of poor persons, or room licensed as a chapel, from the said duties, or such part thereof as is intended to be exempted, in like manner as they are authorized to discharge the assessment on poor persons by this act, but not otherwise."

"Case IV.—The windows or lights, in any dairy or cheese-room below and occupied with any dwelling-house, chargeable with the said duties, the same shall be part thereof, which shall be used by such occupier or owner for the purpose of keeping butter or cheese, being their own produce, for private use ; provided that the windows or lights in such dairies or cheese-rooms shall be made with splines or wooden laths, or iron bars, or wires, and without glass, and that the occupiers of the dwelling-houses to which such dairies and cheese-rooms belong, shall paint or cause to be painted on the outside

(a) In *Lake's Case*, 8 Price, 105, it was held, that the windows of the lower room of a dwelling-house, used as an accounting-room, and having no communication with the dwelling part of

such house, are not within the provisions of the 57 Geo. III., but liable to the duties. (And see *Dryden*, 8 Price, 103, post, 1: (a)).

thing in the said act to the contrary notwithstanding." provides, "That all such tenements or buildings, whether But such ten-
holy for the purposes of trade, or as warehouses for the ments may be
e of lodging goods, wares, or merchandize therein, or as a brought into as-
inting-house, may be brought into assessment as dwelling- sessment.
the manner directed by the said act; and every person
> be relieved from the assessment made in respect of his OR
it or building used for the purposes of trade, or as a ware- Persons claiming
he sole purpose of lodging goods, wares, or merchandize relief to give
s a shop or counting-house, by virtue of this act, shall in such notice.
tice thereof to the assessor or surveyor of or for the parish or
such last-mentioned tenement or building shall be situate,
ame time deliver a declaration in writing, stating the parish Tenements to be
here the dwelling-house or dwelling-houses, or part of a inspected.
use used as the residence of him, her, or them, or his, her,
nily or families, are respectively situate; and every assessor
to whom such notice and declaration shall be delivered, and
for of the district acting for such parish or place, whether he
ceived such notice and declaration or not, who shall have
of such claim being made or to be made, shall upon request,
o time and at all times in the day-time, be admitted to inspect
the tenement or building described to be so employed, as well
s externally, and shall inquire and examine into the uses and
which the same is or has been employed; and if after any
made, or before or after allowance thereof, it shall be discovered
ne tenement or building hath been employed for any other use
purposes of trade, or as a warehouse for lodging goods, wares,
dize, or as a shop or counting-house, or that any person doth

3. Of the Assessed Taxes themselves.

Mills or places of manufacture, &c., not attached to a dwelling-house, not liable to duty though a servant licensed to guard the same abide therein.

Exemptions.

From duties on windows in shops or warehouses, in dwelling houses.

Exemption by
57 Geo. III. c. 25,
to persons in
trade, from house
and window
duties;

extended to per-
sons using houses
under like cir-
cumstances as
offices or count-
ing-houses in
their professions
or other callings.

SCHEDULE (A.), ON WINDOWS—(continued.)

inhabit or dwell therein, except as aforesaid, then on due proof thereof before the said commissioners, they shall and are hereby required to assess and charge the said tenement or building as a dwelling-house to the duties granted by the said act, notwithstanding such claim or any thing hereinbefore contained to the contrary: provided always, that nothing hereinbefore contained shall be construed to impeach or affect any exemption from the said duties expressly contained in the said recited act."

Sect. 4 provides, "That the occupier of any mill or place of manufacture or warehouse, not being part or parcel of any dwelling-house, nor attached or adjoining to any dwelling-house, nor having any internal communication therewith, may by the license in writing of the commissioners of the district signed by them, or any three or more of them assembled at any meeting after due notice given by the occupier of such mill or place of manufacture appoint any one of his or her servants named in such license to watch and guard the said mill, or place of manufacture, or warehouse, in the night time, and that the abiding of such licensed servant therein, for the purpose of watching and guarding the same, shall not render the occupier thereof liable to any of the duties granted by the said recited act."

By stat. 4 Geo. IV. c. 11, s. 1, after reciting that, "Whereas certain duties were granted to his majesty upon houses, windows, and lights, as set forth in the schedule to the said act annexed, marked (A.)" to stat. 4 Geo. III. c. 55, and that "it is expedient finally to determine certain of the said duties on windows or lights now payable in respect of *shops or warehouses being part of dwelling-houses* occupied by persons in trade," it is enacted, That from and after the fifth day of April, 1823, in the part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed; and from and after the twenty-fourth day of May, 1823, in that part of Great Britain called Scotland, for and in respect of all upon all assessments to be made for any year commencing from the respective days and year last aforesaid, so much of the said duties on windows or lights in shops or warehouses, being parts of dwelling-houses, chargeable by the said first mentioned act, in respect of any number not exceeding three such windows or lights in any shop or warehouses in the front or fronts, and on the ground or basement story of every dwelling-house occupied by any person or persons in trade, who shall expose to sale or sell any goods, wares, or merchandizes in any such shop or warehouse, hereinbefore respectively and particularly enumerated and described, and all assessments thereon for and in respect of any year commencing from and after the respective days aforesaid, shall severally cease and determine." *Ante*, 104.

Sect. 8 exempts occupiers of dwelling-houses not having more than six windows and maintaining three children, from the duty, see the enactment, *ante*, 107.

By 5 Geo. IV. c. 44, s. 4, "Whereas by an act passed in the fifty-seventh year of his said late majesty's reign, provision is made for granting exemptions to persons in trade from the duties on houses, windows and lights, and on inhabited houses, in respect of houses, tenements or buildings, or parts of tenements or buildings, used solely by such persons for the purposes of trade, such persons respectively residing in a separate and distinct dwelling-house, or part of a dwelling-house, charged to the said duties, as in the said act described: And whereas it is expedient to extend the said exemptions to the cases herein mentioned;" it is further enacted, That upon all assessments to be made for any year commencing from and after the fifth day of April, 1824, the provisions in the said act contained, for granting exemptions from the said duties to persons in trade, in respect of houses, tenements or buildings in the said act described, shall and may be extended and applied by the respective commissioners and officers acting in the execution of the said act and o-

3. Of the Assessed Taxes themselves.

Extending exemption granted by 57 Geo. III. and 5 Geo. IV. in respect of window duties on houses used solely for trade.

Exception.

SCHEDULE (A.), ON WINDOWS—(continued.)

shall be less than equivalent to a farm at the rack-rent of 200*l.* a-year (reckoning the value of every estate occupied by the owner thereof, or any other tenure than as tenant at rack-rent, as equivalent to double the amount of the like farm at rack-rent,) shall be exempt from the duties on windows or lights granted by an act passed in the forty-eighth year of the reign of king George the Third, and specified in the schedule marked (A.) thereto annexed; provided the occupier of such dwelling-house shall not derive any profit or income exceeding 100*l.* a-year from any other source than the said farm or estate so occupied by him as aforesaid."

By stat. 2 & 3 Will. IV. c. 113, s. 3, after reciting that by the stat. 5 Geo. III. and the stat. 5 Geo. IV. c. 44, "provision is made for granting exemptions from the duties on houses, windows, and lights, and upon inhabited houses, to persons in respect of tenements or buildings wholly occupied by them in the day-time only for the purposes of their trades or professions, where such persons also reside in a separate and distinct dwelling-house or part of a dwelling-house charged to the said duties; and whereas the exemption under the provisions of the said acts cannot be acquired and granted for a lesser period than the whole year's assessment; and it is expedient to apply the said exemptions to occupiers for parts of the same year in the cases of changes of occupation herein mentioned; it is enacted, "That where any person or persons in the said acts either of them described shall have occupied a tenement or building, or part of a tenement or building, for the uses and purposes allowed by the said exemptions in the said acts contained, for a lesser period than the year of assessment, and for and during any entire quarter or quarters only thereof, it shall be lawful for the respective commissioners, on the application for such entire quarter or quarters being duly claimed by notice and declaration in the manner required by the said acts for claiming exemptions for the year of assessment, to discharge the assessments for the entire quarter or quarters of the year for which the said exemptions shall be claimed and established: provided always, that no such claim shall be allowed to any person under this act who shall occupy the same premises as a dwelling-house, and as a tenement or building for the purposes of exemption, at different periods during one year of assessment; nor unless the occupier or occupiers quitting, or the occupier or occupiers commencing the occupation of the premises in the manner allowed by the said exemptions, and who shall seek the benefit of this provision, shall, before the quitting or commencement of occupation respectively, give notice thereof to the assessor or surveyor in the manner required by the acts in force for authorizing allowances for parts of the year on changes of occupation" (a).

SCHEDULE (B.) ON INHABITED HOUSES.

The duties on inhabited houses under 10*l.* per annum, were by Geo. IV. c. 7, s. 1, reduced to one half, and all duties whatsoever on inhabited houses are entirely repealed from the 5th April, 1841, by 4 Will. IV. c. 19.

(a) *Rex v. Dryden*, 8 Price, 103. The lower part of a small house used as an office, adjoining the dwelling-house of the party, and having an internal communication with the latter, is not exempt from the assessed taxes on windows, as being within the first section

of the 57 Geo. III. c. 25, on the ground of its being used as an office, and for no other purpose. Nor is a room, having no communication with the dwelling-house, if it be part of the house, with the exemption of the statute as being used only for an office. (*Ibid.*)

act, and there shall be more than one room used for such purposes, either of them, in any farm-house in the said act described; provided the exemption for more than two such windows shall not in any be claimed or allowed for any one farm-house; and the further option hereby granted shall be claimed and allowed in the manner set by the said act in the case of one such glazed window."

ct. 6. "Where the whole or part only of any dwelling-house, being A farm-house ^{bond fide} occupied by farm-servants of the farmer, exempt from duty. a farm-house, divided or not divided into distinct tenements, shall be spied by any labourer or labourers, servant or servants, *bond fide* resided and employed in affairs of husbandry by the occupier or tenant of the farm to which such dwelling-house shall belong, and no part thereof shall be occupied by the occupier or tenant of the said farm, or by other person or persons (except as aforesaid), such dwelling-house, and the landlord, occupier or tenant, shall, during the continuance of the occupation in manner aforesaid, be exempt from any duty payable for such house by the said acts; provided that every such option shall be duly claimed by the occupier or tenant of the farm, and used in the manner directed by the said acts as in other cases of exception from the said duties."

y stat. 4 & 5 Will. IV. c. 73, s. 2, "Every dwelling-house, being a farm-house *bond fide* used for the purposes of husbandry only, and spied by the tenant of a farm at rack-rent the rent of which farm shall be less than 200*l.* a-year, or occupied by any person who shall be occupier of any estate on any other tenure than as tenant at rack-rent only, or by the occupier of such estate as last-mentioned who shall also be occupier of a farm at rack-rent the value of which in the whole

Farms-houses belonging to farms under 200*l.* a-year exempted from the duties on windows.

SCHEDULE (A.), ON WINDOWS—(continued.)

shall be less than equivalent to a farm at the rack-rent of 200*l.* a-year, (reckoning the value of every estate occupied by the owner thereof, or on any other tenure than as tenant at rack-rent, as equivalent to double the amount of the like farm at rack-rent,) shall be exempt from the duties on windows or lights granted by an act passed in the forty-eighth year of the reign of king George the Third, and specified in the schedule marked (A.) thereto annexed; provided the occupier of such dwelling-house shall not derive any profit or income exceeding 100*l.* a-year from any other source than the said farm or estate so occupied by him as aforesaid."

Extending exemption granted by 57 Geo. III. and 5 Geo. IV. in respect of window duties on houses used solely for trade.

Exception.

By stat. 2 & 3 Will. IV. c. 113, s. 3, after reciting that by the stat. 57 Geo. III. and the stat. 5 Geo. IV. c. 44, "provision is made for granting exemptions from the duties on houses, windows, and lights, and upon inhabited houses, to persons in respect of tenements or buildings wholly occupied by them in the day-time only for the purposes of their trades or professions, where such persons also reside in a separate and distinct dwelling-house or part of a dwelling-house charged to the said duties; and whereas the exemption under the provisions of the said acts cannot be acquired and granted for a lesser period than the whole year's assessment; and it is expedient to apply the said exemptions to occupiers for parts of the same year in the cases of changes of occupation herein mentioned;" it is enacted, "That where any person or persons in the said acts or either of them described shall have occupied a tenement or building, or part of a tenement or building, for the uses and purposes allowed by the said exemptions in the said acts contained, for a lesser period than the year of assessment, and for and during any entire quarter or quarters only thereof, it shall be lawful for the respective commissioners, on the exemption for such entire quarter or quarters being duly claimed by a notice and declaration in the manner required by the said acts for claiming exemptions for the year of assessment, to discharge the assessment for the entire quarter or quarters of the year for which the said exemptions shall be claimed and established: provided always, that no such claim shall be allowed to any person under this act who shall occupy the same premises as a dwelling-house, and as a tenement or building for the purposes of exemption, at different periods during one year of assessment, nor unless the occupier or occupiers quitting, or the occupier or occupiers commencing the occupation of the premises in the manner allowed by the said exemptions, and who shall seek the benefit of this provision, shall, before the quitting or commencement of occupation respectively, give notice thereof to the assessor or surveyor in the manner required by the acts in force for authorizing allowances for parts of the year on changes of occupation" (a).

SCHEDULE (B.) ON INHABITED HOUSES.

The duties on inhabited houses under 10*l.* per annum, were by 6 Geo. IV. c. 7, s. 1, reduced to one half, and all duties whatsoever on inhabited houses are entirely repealed from the 5th April, 1841, by 4 Will. IV. c. 19.

(a) *Rex v. Dryden*, 8 Price, 103. The lower part of a small house used as an office, adjoining the dwelling-house of the party, and having an internal communication with the latter, is not exempt from the assessed taxes on windows, as being within the first section

of the 57 Geo. III. c. 25, on the ground of its being used as an office, and for no other purpose. Nor is a room, having no communication with the dwelling-house, if it be part of the house, within the exemption of the statute as being used only for an office. (*Ibid.*)

3. Of the Assessed Taxes themselves.

Servants in taverns (*a*).

Gardeners (*c*).

Apprentices.

Gamekeepers (*d*).

Coachmen, &c.

rooms, &c.

SCHEDULE (C.), SERVANTS—(continued.)

game-keeper, huntsman, whipper-in, or by whatever name or names male servants really acting in any of the said capacities shall be called, or whether such male servants shall have been retained or employed in one or more of the said capacities (except where other duties are imposed by this act on male persons occasionally employed in one or more of the said capacities), and to every such servant let to hire with any carriage or horses for one year, or any longer period; and shall be charged upon the greatest number of such servants which the same person shall have kept at one time in the course of the preceding year, in any of the capacities before mentioned.

“ II.—The said duties shall extend to all servants of the capacities before mentioned, employed in taverns, coffee-houses, inns, alehouses, or any other houses licensed to sell wine, ale, or other liquors by retail, and in eating or victualling houses, and in hotels or lodging-houses, being eating and victualling houses, of whatever description, although not licensed, except hostlers and helpers in the stables of such licensed persons, and drivers employed by them to drive their carriages with horses let out to hire, and except waiters” (*b*).

“ III.—The said last mentioned duties on gardeners shall extend to every gardener who shall have contracted for the keeping of any garden or gardens wherein the constant labour of a person shall be necessary, or where a person shall have been constantly employed therein, to be paid by the person or persons for whose use and in whose garden such gardener or persons shall have been employed, except as hereinafter mentioned.”

“ IV.—The said duties shall extend to all apprentices retained or employed in any of the capacities aforesaid, save and except such apprentices as shall have been imposed upon any master or mistress under and by virtue of the powers given to magistrates and parish officers by any act or acts of parliament, so as the number of such apprentices for whom this exemption shall be claimed by the same person shall not exceed two, being generally employed in the affairs of husbandry or trade, and occasionally only in any of the capacities herein enumerated, and not wearing livery.”

“ V.—The said duties on gamekeepers shall extend to every person retained or employed to kill or preserve game for the use of any other person or persons, whether lawfully appointed to kill or preserve game or not, “to be paid by the person or persons retaining or employing such persons respectively, for the use aforesaid; except gamekeepers, being the servants of other qualified persons duly returned by and charged to the said duties as servants of such other persons.”

“ VI.—The said duties shall extend to every person who shall be employed in the capacity of a coachman, postilion, groom, or helper in the stables, although such person shall have been retained for the purposes of husbandry, or any manufacture or trade, where the master or mistress of such person shall be chargeable with duty for any carriage (other than a taxed cart), or for two or more horses chargeable with the duty on horses kept for the purpose of riding or drawing carriages, as herein mentioned.”

“ VII.—The said duties shall extend to every person who shall be employed as a groom, stable-boy, or helper in the stables of the master or mistress, to take care of any horse, mare, or gelding, the property of such master or mistress, kept for the purpose of racing or running for any plate, prize, sum of money, or other thing, or in training for any of the said purposes.”

and wholly maintained and lodged in the house of his employer or employers: provided always, that the cause of every such exemption shall be truly returned and stated in the manner required by the acts in force at the time of passing this act. (See also 3 & 4 Will. IV. c. 39, s. 4, *post*, 127.)

(*a*) See 3 & 4 Will. IV. c. 39, s. 4, *post*, 127.

(*b*) This exception is, by 1 & 2 Will. IV. c. 7, extended to stage-coach pro-

prietors for hostlers and helpers in stables not belonging to licensed inns or public houses. See also 3 & 4 Will. IV. c. 39, s. 4, *post*, 127.

(*c*) The duty on gardeners is repealed by the 4 Geo. IV. c. 11, s. 1, *ante*, 116.

(*d*) By the 59 Geo. III. c. 118, s. 5, an under-gamekeeper is not assessed as an additional servant, but at 10s. per annum, *ante*, 103.

is a SCHEDULE of the Duties payable annually for MALE
PS and other Persons retained or employed in the various
therein mentioned. They were enacted by 48 Geo. III.
52 Geo. III. c. 93, but were repealed by 4 Geo. IV. c. 11, s. 1,

No. 3.

SCHEDULE of the Duties payable annually for every MALE PER-
tained or employed in the several Capacities herein mentioned,
chargeable to the Duties in Schedule (C.) No. 1.

male person employed in the capacity of, or as a rider teller, where the same employer shall keep or employ such male person only, the sum of .	Moiety of Aggregate Duty (b).	Travellers (a)
addition to the duty of 2 <i>l.</i> 8 <i>s.</i> granted by the act passed in the 48th year of the reign of his present majesty .	£0 12 0 } £1 10 0	
where the same employer shall keep or employ more than such male person, for each the sum of . 1 10 0 }	2 10 0	
addition to the duty of 3 <i>l.</i> 10 <i>s.</i> granted by the said act .		
male person employed in the capacity of, or as clerk, keeper, or office-keeper, where the same employer shall employ one such male person only, the sum of 0 16 0 }	1 0 0	Clerks, &c. (a).
addition to the duty of 1 <i>l.</i> 4 <i>s.</i> granted by the said act .		
where the same employer shall keep or employ more than such male person, for each the sum of . 0 12 0 }	1 10 0	
addition to the duty of 2 <i>l.</i> 8 <i>s.</i> granted by the said act .		

sealed by the 3 & 4 Will. IV. (b) The 4 Geo. IV. c. 11, s. 2, *ante*,
, post, 127. 104, takes off the moiety.

3. Of the Assessed Taxes themselves.

Stewards, &c. (a).

Shopmen (a).

Waiters.

Occasional waiters (b).

Stablekeeper's men (c).

Servants in husbandry (d).

Servants in husbandry employed as grooms (d).

SCHEDULE (C.), SERVANTS—(continued.)

		Moiet Aggreg Duty
	For every male person employed in the capacity of, or as a steward, bailiff, overseer, or manager, or clerk under a steward, bailiff, overseer, or manager, the sum of . . . 2 0 0	£1 0
Stewards, &c. (a).		
Shopmen (a).		
Waiters.	For every male person employed by any person in trade as a shopman, for the purpose of exposing to sale, or selling goods, wares, or merchandize, in such shop or warehouse, whether by wholesale or retail, and every male person employed as a warehouseman, porter, or cellarman in such shop or warehouse, the sum of 0 16 0	1 0
	In addition to the duty of 1l. 4s. granted by the said act . And for every male person so employed, where the duty granted by the said act shall not be chargeable, the annual sum of .	1 0
	For every male person employed as a waiter to wait on guests in any tavern, coffee-house, inn, ale-house, eating or victualling house, or in any hotel or lodging-house, except occasional waiters, the sum of 0 15 0	1 10
	In addition to the duty of 2l. 5s. granted by the said act . And for every male person so employed, where the duty granted by the said act shall not be chargeable, the sum of .	1 10
	And for every male person so employed as an occasional waiter therein, for the period of six calendar months in any year, the sum of	1 0
Occasional waiters (b).	And if so employed for a lesser period than six calendar months in any year, the sum of	0 10
	And for every male person, not being a servant, employed as an occasional waiter in any private house, not less than six times within the year, the sum of	0 10
Stablekeeper's men (c).	For every male person employed by any stable-keeper, for or in expectation of profit, to take care of any horse, mare, or gelding, kept for the purpose of racing or running for any plate, prize, sum of money, or other thing, or any horse, mare, or gelding in training for any of the said purposes, except servants chargeable as grooms or helpers in stables by schedule (C) No. 1, the sum of 0 16 0	1 0
	In addition to the duty of 1l. 4s. granted by the said act . And for every male person so employed, where the duty granted by the said act shall not be chargeable, the sum of .	1 0
Servants in husbandry (d).	For every male person retained for the purposes of husbandry, manufacture or trade, wherein the employer shall seek a livelihood, and at any time employed in any domestic employment, in any of the capacities enumerated in schedule (C.) No. 1, and where the employer shall not be chargeable to the duties in the said schedule, or to any other of the duties in this schedule, in respect of such male person, the sum of £0 4 0	0 5
	In addition to the duty of 6s. granted by the said act . And for every male person so retained and employed, where the duty granted by the said act shall not be chargeable, the sum of .	0 5
Servants in husbandry employed as grooms (d).	For every male person retained for the purposes of husbandry, manufacture or trade, and at any time employed in the capacity of a groom, stable-boy, or helper in the stable, where the master or mistress shall be chargeable for one horse to the duty contained in schedule (E.) No. 1, or to the duty on a taxed cart, and not on any other carriage chargeable with duty by this act, and in respect of which such male person shall not be chargeable to the duties in schedule (C.) No. 1, or to any other of the duties in this schedule, the sum of . 0 4 0	0 5
	In addition to the duty of 6s. granted by the said act .	

(a) See note (a) preceding page.

(b) Repealed by 6 Geo. IV. c. 7, s. 1, ante, 107; 3 & 4 Will. IV. c. 39, s. 1, ante, 104.

(c) See 6 Geo. 4, c. 7, s. 1.

(d) Repealed by 4 Geo. IV. c. 4, post, 127.

SCHEDULE (C.), SERVANTS—(continued.)

Molety of Aggregate Duty.	£	0	5	0			
And for every male person so retained and employed where the duty granted by the said act shall not be chargeable, the sum of							
For every male person employed in any of the capacities enumerated in schedule (C.) No. 1, and not being a servant to his employer or employers, where such employer or employers shall be chargeable to any of the duties contained in schedule (C.) No. 1; or for any carriage to the duties contained in schedule (D.) No. 1 or No. 2, or for more than one horse to the duties contained in schedule (E.) No. 1, the sum of			1	4	0		
And where such employer or employers shall not be so chargeable to the said last-mentioned duties, the sum of					0	10	0

3. Of the Assessed Taxes themselves.

Servants.

"The said duties to be paid by the employer or employers of such male persons respectively, and to extend to every body politic or corporate, whether aggregate or sole, and to every society, fraternity, or partnership, although not corporate, employing such male persons, and to every trade, manufacture, or concern whereby the employer shall seek a profit or advantage." By whom paid.

EXEMPTIONS to Schedule (C.) No. 3.

"Any apprentice bound for the term of seven years, during the term of his apprenticeship and service with his original master or his assignee of the whole emptied. Apprenticeship and service with his original master or his assignee of the whole emptied. After the expiration of the term, where no premium or other consideration or value shall have been taken or contracted for with such apprentice."

Further EXEMPTIONS by subsequent Acts.

The 11 Geo. IV. & 1 Will. IV. c. 35, s. 3, post. 130, exempts the employer from duties in this schedule (C.) No. 3, in respect of his sons under twenty-one years. Sons of employer.

By 3 & 4 Will. IV. c. 39, s. 4, it is enacted, that "The several rates and duties granted by the said act passed in the forty-eighth year of the reign of his said late majesty king George the Third, and also an act passed in the fifty-second year of the reign last aforesaid, intituled 'An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes,' and also an act passed in the second and third year of the reign of his present majesty king William the Fourth, intituled 'An Act to continue until the 5th day of April, 1834, Compositions for the Assessed Taxes, and to grant Relief in certain Cases,' and now payable for male persons employed in the capacities of riders or travellers, and of clerks, book-keepers, or office-keepers, and of stewards, bailiffs, overseers, or managers, or clerks, under stewards, bailiffs, overseers or managers, and of shopmen, warehousemen, porters, or cellarmen, or of grooms, stable-boys, or helpers in the stables, solely and *bonâ fide* employed in their respective trades or businesses by any livery-stable keeper, horse-dealer, postmaster, or any other person licensed by the commissioners of stamps, or by any person under their authority, to let post-horses or carriages for hire or profit, as in the said acts respectively described, shall severally cease and determine: provided also, that where any licensed victualler in the said acts described shall employ one male person only *bonâ fide* and generally to carry out and deliver any beer, ale, or other liquors to customers, such person shall be considered a porter hereby exempt from duty, although he may be occasionally employed to wait on guests."

Duties on travellers, clerks, bookkeepers, stewards, bailiffs, overseers, managers, shopmen, warehousemen, porters, or cellarmen, and grooms, &c., of livery-stable keepers, post-masters, &c., occasional waiters, &c., to cease.

48 Geo. III. c. 52 Geo. III. c. 9
2 & 3 W. IV. c. 113.

SCHEDULE (C.), ON SERVANTS—(continued.)

No. 4.

A SCHEDULE of the Duties payable on SERVANTS let to Hire

Coachmen, &c.,
let to hire.

For every coachman, groom, postilion, or helper, kept for the purpose of being let to hire for any period of time less than one year, and in such manner that the Stamp-office duty payable by law on horses let to hire shall not be payable by any post-master, inn-keeper, or other person, duly licensed to let post-horses by the commissioners for managing the duties on stamped vellum, parchment, and paper, or by any coachmaker or maker of such carriages, or other person, the annual sum of £0 6 0

Moiety
Aggreg
Duty

£1 5

Stage-coachmen.

In addition to the duty of 2L 4s. granted by the said act,
[48 Geo. III. c. 55.] And for every coachman kept for the purpose of driving any public stage-coach or carriage, for the purpose of conveying passengers for hire to and from different places, and for every person employed as a guard to such stage-coach or carriage, the annual sum of

1 5

The said last-mentioned duties to be paid by the employer or employers of such persons, respectively.

By whom paid.

The said duties to be paid by the person or persons keeping such public coaches or carriages, or letting to hire such coachmen, grooms, postilio helpers; provided, that if the person or persons hiring any such coachman, groom, postilion, or helper, shall not make a return thereof according to directions of the said acts in force, as aforesaid, then and in every such case progressive duty made payable by the said act of 48 Geo. III. c. 55, and that as set forth in the respective schedules of the said acts, marked (C.) shall be chargeable in respect of every such servant on the person or persons hiring such servant, and making such default as aforesaid, according to number of servants employed by him, her, or them, in the manner directed by the said act.

EXEMPTIONS from the last-mentioned Duties, as set forth in Schedule (C.) No. 1 and 2 (c).

Servants in husbandry.

"I.—The said duties not to be payable by any person who shall have retained or employed *bond fide* any male servant solely for the purposes of husbandry, manufacture, or of any trade or calling by which the master or mistress of servant shall earn a livelihood or profit, and who hath not at any time or season, or in any manner, or for any purpose, been employed in any of the cities enumerated in schedules (C.) No. 1 and 2, nor in any of the towns enumerated in schedule (C.) No. 3 and 4, whereon any duty is specifically payable."

College, &c., servants.

"II.—The said duties not to be payable by any college or hall within or of the universities of Oxford or Cambridge, or the several colleges of Westminster, Eton, or Winchester, for any butler, manciple, cook, gardener, or porter by any of the royal family, for any servant acting in any of the capacities aforesaid."

Hospitalservants.

"III.—The said duties not to be payable by any of the royal hospitals Christ, St. Bartholomew, Bridewell, Bethlem, St. Thomas, in the city of London and borough of Southwark, or Guy's, or the Foundling Hospital.

Officers' servants.

"IV.—The said duties not to be payable by any officer hereinafter described such officer retaining or employing as a servant one male person only; that is to say, by any officer serving in any regiment of horse or dragoons under the

(a) With respect to livery stable keepers, &c., letting servants to hire, An additional £10 per cent. is a see the regulations thereon, *post*, 136. (c) The duties in No. 1 are

(b) These duties were reduced to a moiety by 4 Geo. IV. c. 11, pealed by the 4 Geo. IV. c. 11, ante, 104.

ner directed by stat. 43 Geo. III. c. 161, s. 36, *ante*, p. 64). Reciting that by the said acts "certain further duties over and other duties therein mentioned are granted and made payable male servant retained or employed in any of the capacities in schedule (C.) No. 1, to the said acts respectively annexed, by a person never having been married," enacts, "That the said additional duties so granted and made payable as aforesaid by account of the person retaining or employing any such male servant having been married, shall cease to be paid or payable for each of any male servant retained or employed by any priest of Catholic faith who shall have duly taken and subscribed the declarations required by law; provided such priest shall duly list of all such servants retained or employed by him, and shall add ther B. to the signature of his name to every such list, in like manner as other persons never having been married, are required by the same to denote the same by adding the said letter B. to their signatures on such lists as aforesaid, and provided such exemptions shall be had in the manner hereinafter directed" (*i. e.* in the manner stat. 43 Geo. III. c. 161, s. 36, *ante*, 84).

Roman Catholic clergymen exempted from the additional duties granted in respect of bachelors' servants.

5 Will. IV. c. 64, s. 17, reciting, "And whereas under and by an act passed in the fifty-second year of the reign of King George the Third, intituled 'An Act for granting to His Majesty certain Additional Duties of Assessed Taxes, and for consolidating the former Duties of Assessed Taxes,' exemption from the said duties is granted for one male servant, being a soldier, extended to such number of servants, being

SCHEDULE (A.), ON WINDOWS—(continued.)

inhabit or dwell therein, except as aforesaid, then on due proof the before the said commissioners, they shall and are hereby required to and charge the said tenement or building as a dwelling-house to the granted by the said act, notwithstanding such claim or any thing before contained to the contrary: provided always, that nothing before contained shall be construed to impeach or affect any exemption from the said duties expressly contained in the said recited act."

Mills or places of manufacture, &c., not attached to a dwelling-house, not liable to duty though a servant licensed to guard the same abide therein.

Exemptions.

From duties on windows in shops or warehouses, in dwelling houses.

Exemption by 57 Geo. III. c. 25, to persons in trade, from house and window duties;

extended to persons using houses under like circumstances as offices or counting-houses in their professions or other callings.

Sect. 4 provides, "That the occupier of any mill or place of manufacture or warehouse, not being part or parcel of any dwelling-house, nor attached or adjoining to any dwelling-house, nor having any internal communication therewith, may by the license in writing of the commissioners of the district signed by them, or any three or more of them assembled at any meeting after due notice given by the occupier of such mill or place of manufacture appoint any one of his or her servants named in such license to watch and guard the said mill, or place of manufacture, or warehouse, in the night time, and that the abiding of such licensed servant therein, for the purpose of watching and guarding the same, shall not render the occupier thereof liable to any of the duties granted by the said recited act."

By stat. 4 Geo. IV. c. 11, s. 1, after reciting that, "Whereas certain duties were granted to his majesty upon houses, windows, and lights set forth in the schedule to the said act annexed, marked (A.)" to stat. 57 Geo. III. c. 55, and that "it is expedient finally to determine certain of the said duties on windows or lights now payable in respect of shop warehouses being part of dwelling-houses occupied by persons in trade," it is enacted, That from and after the fifth day of April, 1823, in part of Great Britain called England, Wales, and the town of Berwick-upon-Tweed; and from and after the twenty-fourth day of May, 1823, in that part of Great Britain called Scotland, for and in respect of upon all assessments to be made for any year commencing from the respective days and year last aforesaid, so much of the said duties on windows or lights in shops or warehouses, being parts of dwelling-houses, chargeable by the said first mentioned act, in respect of number not exceeding three such windows or lights in any shop or warehouse in the front or fronts, and on the ground or basement stories of every dwelling-house occupied by any person or persons in trade, shall expose to sale or sell any goods, wares, or merchandizes in such shop or warehouse, hereinbefore respectively and particularly enumerated and described, and all assessments thereon for and in respect of any year commencing from and after the respective days aforesaid, so severally cease and determine." *Ante*, 104.

Sect. 8 exempts occupiers of dwelling-houses not having more than six windows and maintaining three children, from the duty, see the enactment, *ante*, 107.

By 5 Geo. IV. c. 44, s. 4, "Whereas by an act passed in the seventh year of his said late majesty's reign, provision is made for granting exemptions to persons in trade from the duties on houses, windows, and lights, and on inhabited houses, in respect of houses, tenements, buildings, or parts of tenements or buildings, used solely by such persons for the purposes of trade, such persons respectively residing in separate and distinct dwelling-house, or part of a dwelling-house, charged to the said duties, as in the said act described: And whereas it is expedient to extend the said exemptions to the cases herein mentioned; it is further enacted, That upon all assessments to be made for any year commencing from and after the fifth day of April, 1824, the provision in the said act contained, for granting exemptions from the said duties to persons in trade, in respect of houses, tenements or buildings in the said act described, shall and may be extended and applied by the respective commissioners and officers acting in the execution of the said act and

Inn-house charged to the said duties; provided nevertheless, Exemption not to
exemption herein authorised shall not extend to any chamber or extend to chambers
in any of the inns of court or of Chancery, or to any college or in inns of court or colleges
of the universities of Oxford or Cambridge, now chargeable in the universi-
ties.
of the said duties; and the said exemptions hereby authorised
claimed and allowed on due proof, and the assessments thereupon
and by the same rules, and in like manner and form, as are allowed
in act to persons in trade; and all and every the provisions in
act contained shall be observed, followed and practised by the
commissioners, inspectors, surveyors, assessors, and other
in the said act described, in granting exemptions and discharg-
ments under the provisions of this act, to all intents as if such
a formed part of the said act passed in the fifty-seventh year
, anything herein contained to the contrary notwithstanding.

6 Geo. IV. c. 7, s. 4, "The exemption from duty granted by an
d in the fifty-seventh year of the reign of his late majesty, for one
adow in any room used as a dairy or cheese-room in any dwelling-
ing a farm-house, in the said act described, shall and is hereby
to extend, from and after the 5th day of April, 1825, to any one
adow made with glass in any dairy, and to any one such like
made with glass in any cheese-room, where such rooms shall be
and there shall be more than one room used for such purposes,
of them, in any farm-house in the said act described; provided
exemption for more than two such windows shall not in any
claimed or allowed for any one farm-house; and the further
in hereby granted shall be claimed and allowed in the manner
by the said act in the case of one such glazed window."

"Where the whole or part only of any dwelling-house, being
house, divided or not divided into distinct tenements, shall be
by any labourer or labourers, servant or servants, bond fide re-
nd employed in affairs of husbandry by the occupier or tenant
arm to which such dwelling-house shall belong, and no part
hall be occupied by the occupier or tenant of the said farm, or
other person or persons (except as aforesaid), such dwelling
nd the landlord, occupier or tenant, shall, during the continu-
the occupation in manner aforesaid, be exempt from any duty

The exemption
for one glazed
window in the
dairy or cheese-
room of a farm-
house, by 67 Geo.
III. c. 25, extend-
ed to two such
windows in cer-
tain cases.

A farm-house
bond fide occupied
by farm-servants
of the farmer,
exempt from
duty.

3. Of the Assessed Taxes themselves.

—
riages and horses reduced in certain cases.

Four-wheel carriages drawn by ponies;

or drawn by one horse.

Carriages used by common carriers in conveyance of goods, and occasionally passengers, where the Stamp-office duty is not payable;

and horses drawing such carriages.

SCHEDULE (D.), CARRIAGES—(continued.)

schedule (D.) now in force and chargeable for carriages with four wheels, and for carriages with less than four wheels, and also the duties described in schedule (E.) of the said acts now in force on horses, mares, geldings or mules, next hereinafter described, there shall be charged, for any carriage commencing from and after the said fifth day of April, 1830, the said reduced duties following, and which reduced duties shall be assessed, levied, collected, and accounted for in like manner as the duties now in force; that is to say,

Four-wheel carriages drawn by ponies; or drawn by one horse. Carriages used by common carriers in conveyance of goods, and occasionally passengers, where the Stamp-office duty is not payable; and horses drawing such carriages.	<table border="0"> <tr> <td style="vertical-align: top;"> For every carriage with four wheels, each being of less diameter than thirty inches, where the same shall be drawn by a pony or ponies, mule or mules, exceeding twelve hands, and neither of them exceeding thirteen hands in height, the annual sum of . . . </td><td style="vertical-align: top; text-align: right;">£ 3</td></tr> <tr> <td style="vertical-align: top;"> And for every carriage with four wheels, described in the said schedule (D.) No. 1, drawn by one horse, mare, gelding, or mule, and no more, the annual sum of . . . </td><td style="vertical-align: top; text-align: right;">4 1</td></tr> <tr> <td style="vertical-align: top;"> And for every carriage with four wheels, described in the said schedule (D.) No. 1, or No. 2, used by any common carrier principally and <i>bona fide</i> for and in the carriage of goods, wares, or merchandize, by which he or she shall seek a livelihood, where such carriage shall be occasionally only used in the conveyance of passengers for hire, and in such manner that the Stamp-office duty, or any composition for the same, shall not be payable under any licence by the commissioners of stamps, the annual sum of . . . </td><td style="vertical-align: top; text-align: right;">2 1</td></tr> <tr> <td style="vertical-align: top;"> And where such carriage last aforesaid shall have less than four wheels, the annual sum of . . . </td><td style="vertical-align: top; text-align: right;">1</td></tr> <tr> <td style="vertical-align: top;"> And for each and every horse, mare, gelding, or mule, used by any common carrier in drawing any such last-mentioned carriage respectively, there shall not by reason thereof be charged any other or higher duty than the duty payable by schedule (F.) of the said acts." </td><td></td></tr> </table>	For every carriage with four wheels, each being of less diameter than thirty inches, where the same shall be drawn by a pony or ponies, mule or mules, exceeding twelve hands, and neither of them exceeding thirteen hands in height, the annual sum of . . .	£ 3	And for every carriage with four wheels, described in the said schedule (D.) No. 1, drawn by one horse, mare, gelding, or mule, and no more, the annual sum of . . .	4 1	And for every carriage with four wheels, described in the said schedule (D.) No. 1, or No. 2, used by any common carrier principally and <i>bona fide</i> for and in the carriage of goods, wares, or merchandize, by which he or she shall seek a livelihood, where such carriage shall be occasionally only used in the conveyance of passengers for hire, and in such manner that the Stamp-office duty, or any composition for the same, shall not be payable under any licence by the commissioners of stamps, the annual sum of . . .	2 1	And where such carriage last aforesaid shall have less than four wheels, the annual sum of . . .	1	And for each and every horse, mare, gelding, or mule, used by any common carrier in drawing any such last-mentioned carriage respectively, there shall not by reason thereof be charged any other or higher duty than the duty payable by schedule (F.) of the said acts."	
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No. 2.

Carriages with less than four wheels.

Carriages with less than four wheels.	<table border="0"> <tr> <td style="vertical-align: top;"> For carriages with less than four wheels of the descriptions mentioned in the acts passed in the 48th (a) and 50th (b) years of the reign of his present majesty: </td><td style="vertical-align: top; text-align: right;">Mol Agg Dut</td></tr> <tr> <td style="vertical-align: top;"> For every such carriage, except such carriages for or in respect of which other duties are herein imposed, the annual sum of . . . </td><td style="vertical-align: top; text-align: right;">0 12 0</td></tr> <tr> <td style="vertical-align: top;"> In addition to the duty of 5<i>l.</i> 18<i>s.</i> granted by the said acts of the 48th and 50th years of the reign of his present majesty . . . </td><td style="vertical-align: top; text-align: right;">3</td></tr> <tr> <td style="vertical-align: top;"> And for every such carriage, where the duty granted by the said acts shall not be chargeable, the annual sum of . . . </td><td style="vertical-align: top; text-align: right;">3</td></tr> <tr> <td style="vertical-align: top;"> And for every such carriage, drawn by two or more horses, mares, geldings, or mules, the annual sum of . . . </td><td style="vertical-align: top; text-align: right;">4 1</td></tr> <tr> <td style="vertical-align: top;"> In addition to the duty of 8<i>l.</i> 5<i>s.</i> granted by the said acts </td><td></td></tr> <tr> <td style="vertical-align: top;"> And for every additional body kept, to be successively used on the same carriage or wheels, the further annual sum of . . . </td><td style="vertical-align: top; text-align: right;">1 1</td></tr> <tr> <td style="vertical-align: top;"> In addition to the duty of 2<i>l.</i> 16<i>s.</i> granted by the said act </td><td></td></tr> </table>	For carriages with less than four wheels of the descriptions mentioned in the acts passed in the 48th (a) and 50th (b) years of the reign of his present majesty:	Mol Agg Dut	For every such carriage, except such carriages for or in respect of which other duties are herein imposed, the annual sum of . . .	0 12 0	In addition to the duty of 5 <i>l.</i> 18 <i>s.</i> granted by the said acts of the 48th and 50th years of the reign of his present majesty . . .	3	And for every such carriage, where the duty granted by the said acts shall not be chargeable, the annual sum of . . .	3	And for every such carriage, drawn by two or more horses, mares, geldings, or mules, the annual sum of . . .	4 1	In addition to the duty of 8 <i>l.</i> 5 <i>s.</i> granted by the said acts		And for every additional body kept, to be successively used on the same carriage or wheels, the further annual sum of . . .	1 1	In addition to the duty of 2 <i>l.</i> 16 <i>s.</i> granted by the said act	
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In addition to the duty of 5 <i>l.</i> 18 <i>s.</i> granted by the said acts of the 48th and 50th years of the reign of his present majesty . . .	3																
And for every such carriage, where the duty granted by the said acts shall not be chargeable, the annual sum of . . .	3																
And for every such carriage, drawn by two or more horses, mares, geldings, or mules, the annual sum of . . .	4 1																
In addition to the duty of 8 <i>l.</i> 5 <i>s.</i> granted by the said acts																	
And for every additional body kept, to be successively used on the same carriage or wheels, the further annual sum of . . .	1 1																
In addition to the duty of 2 <i>l.</i> 16 <i>s.</i> granted by the said act																	

RULES for Charging the said Duties in the Two foregoing Schedules Nos. 1 and 2.

“ I.—The said duties to be respectively charged for every coach, berlin, chariot, calash, chaise-marine, chaise, sociable, or caravan, with four wheels,

(a) 48 Geo. III. c. 55.

(b) 50 Geo. III. c. 104.

(c) See note (a), ante, 130.

Duties and the additional Duties.

"I.—The said last mentioned duties to be paid by the master or mistress of such servants respectively, and to extend to and be payable for every male servant retained or employed in any of the following capacities: that is to say, maitre d'hotel, house steward, master of the horse, groom of the chamber, valet de chambre, butler, under-butler, clerk of the kitchen, confectioner, cook, house porter, footman, running footman, coachman, groom, postilion, stable boy, or helper in the stables (c) of the master or mistress, gardener, park-keeper,

a, The 4 & 5 Will. IV. c. 73, s. 3, *post*, 129, exempts the payment of duties for male servants, under eighteen years of age, after the 6th of April, 1834; and s. 11 provides how exemption to be claimed.

b, The 4 & 5 Will. IV. c. 73, s. 4, exempts Roman Catholic clergymen from additional duties payable in respect of bachelor's servants, *post*, 129.

c, But by stat. 59 Geo. III. c. 118, s. 2, it is enacted, that the duties imposed by the several acts for charging assessed taxes in Great Britain for every male person employed by any person in the capacity of a groom, stable-boy, or helper in the stables, shall cease and determine from and after the passing of this act, upon every assessment made or

to be made after the 5th day of April, 1819, in respect of every person, being the son of the employer or employers, or one of them, occasionally resident with his parent or parents, and so employed by him, her, or them, during such occasional residence only; (see stat. 11Geo. IV. & 1Will. IV. c. 35, s. 3, *post*, 124.) and in respect of every male person so employed, under the age of fifteen years, and wholly maintained and lodged in the house of his employer or employers, and in respect of every male person so employed, being of the age of fifteen years or upwards, and bound an apprentice to his employer or employers, or assigned to him, her or them, until such apprentice shall arrive at the age of twenty-one years or upwards,

3. Of the Assessed Taxes themselves.

SCHEDULE (D.), CARRIAGES—(continued.)

or owners, or any other person or persons, for hire or profit, but kept common stage cart, and used truly and without fraud in the affairs of bandry, or in the carriage of goods, or in the course of trade, although occasionally for the purpose of riding therein; provided that every such mon stage cart shall have the christian and surname or names, and resi occupation, or calling of the owner or owners, and also the words "co stage cart," painted thereon in the same manner as is hereinbefore pres with respect to the carriage and exemption No. 1.

No. 3.

Carriages hired.

For carriages hired for any period of time less than one year, or kept to be let to hire, or to carry passengers.

Moi Aggr Duty payat

For every carriage kept for the purpose of being let to hire, without horses to be used therewith, by any coachmaker, or maker of such carriages, where such carriages shall have four wheels, the annual sum of 0 15 0

6 0

In addition to the duty of 11l. 5s. granted by the said act passed in the 48th year of the reign of his present majesty

And where such carriages shall have less than four wheels, the like sums mentioned in schedule (D.) No. 2 of this act.

Chaises hired.

For every carriage kept for the purpose of being let to hire, with horses to be used therewith, by any postmaster, innkeeper, or other person duly licensed to let post-horses, by the commissioners for managing the duties on stamped vellum, parchment, and paper, and whereon the name or names, and place or places of abode, of the person or persons so licensed shall be marked or painted, according to the directions of the acts in that case made and provided, and in such manner that the Stamp-office duty shall be payable by law in respect of the horses let therewith, and shall be duly accounted for by the delivery of a ticket, according to the directions of the said acts, where such carriage shall have four wheels, the annual sum of 1 1 0

5 5

In addition to the duty of 9l. 9s. granted by the said act of the 48th year of the reign of his present majesty

And if such carriage shall have less than four wheels, the respective sums mentioned in schedule (D.) No. 2, in addition to the duties respectively granted thereon, by the said acts passed in the 48th and 50th years of the reign of his present majesty.

Stages.

For every coach, diligence, caravan, or chaise, with four wheels or more, or other carriage with four wheels or more, by whatever name the same shall be called or known, which shall be kept and employed as a *public stage coach or carriage*, for the purpose of conveying passengers for hire to and from different places, and which shall be duly entered as such with the said commissioners of stamp duties, the like annual sum of 1 1 0

5 5

In addition to the duty of 9l. 9s. granted by the said act passed in the 48th year of the reign of his present majesty

The said last-mentioned duty to be paid by the person or persons ke the same for the purposes aforesaid.

Proviso.

Provided, if a due return thereof shall not be made by the hirer or according to the directions of the said acts relating to the said present d the progressive duty made payable by the said act of the 48th Geo. III.

(a) Only a moiety of the aggregate IV. c. 11, s. 2, ane, 104; but a duties is now payable as above; 4 Geo. is added by 3 Vict. c. 17, s. 8.

3. Of the Assessed Taxes themselves.

Carriages, &c., conveying prisoners or paupers exempted from duties of assessed taxes.

Drivers of carriages let to hire by persons licensed to let horses for hire exempted.

SCHEDULE (D.), CARRIAGES—(continued.)

Sect. 3. “And be it enacted, That no carriage of any description soever, nor any horse or horses drawing the same, nor any person employed to drive such horse or horses, shall be charged or chargeable any of the duties of assessed taxes on account or by reason of carriage being used for hire or profit, or otherwise, in conveying prisoner or prisoners to or from any prison, or in conveying any person or paupers at the expence of any parish, township, or union, or of person who may have contracted with any parish, township, or union the conveyance of paupers.”

Sect. 4. “And whereas by the said act passed in the fifty-second of the reign of his majesty king George the Third, schedule (C.) No 1, the duties thereby granted and made payable for male servants declared to extend to all servants employed in any of the capacities mentioned, except, amongst others, the drivers employed by persons licensed to sell wine, ale, or other liquors by retail to drive their carriages with horses let out to hire; and it is expedient to grant relief from duties for all such drivers, whether employed by such licensed persons or not; be it therefore enacted, That upon all such assessments as are said the said last-mentioned duties shall not be charged or chargeable upon any driver employed by any person duly licensed to let horses for hire to drive his carriage or carriages with a horse or horses let out to hire, in such manner that the duty on horses let for hire shall be paid by law in respect of the horse or horses so let out to hire with every carriage.”

1 Vict. c. 61.

By the 1 Vict. c. 61, after reciting that, “by several acts passed respectively in the forty-third, forty-eighth, and fifty-second years of the reign of king George the Third, certain duties of assessed taxes were granted and made payable in respect of carriages with less than four wheels, and by the same acts respectively certain lower rates of the duties were made payable in respect of certain inferior descriptions of such carriages called ‘taxed carts,’ provided the owner’s christian name and place of abode, and other particulars in the said acts respectively mentioned, should be painted on such carriages in the manner therein mentioned, in words at full length, each of the letters being at least one inch in length and of a breadth in proportion: whereas by an act passed in the fourth year of the reign of king George the Fourth the said carriages called ‘tax carts,’ having such particular painted thereon as aforesaid, were wholly exempted from the duties: and whereas by an act passed in the third and fourth years of the reign of his late majesty king William the Fourth the duties on assessed taxes were repealed in respect of certain other inferior carriages with less than four wheels, provided such carriages were built and constructed in the manner specified in the said last-mentioned act, and provided that every such carriage shall have the christian name and surname or name places of abode, occupation or calling of the owner or owners, mark painted thereon in Roman characters, and in words at full length, each letter being at least one inch in height, and of a proper and proportionate breadth: and whereas by an act passed in the sixth and seventh years of the reign of his said late majesty a further exemption was granted to the said duties of assessed taxes in respect of certain other carriages with less than four wheels, provided, amongst other things, that every carriage respectively should have the christian name and surname place of abode, and occupation or calling of the owner and of every person thereof, painted in words at full length, and in legible and conspicuous Roman letters or characters, two inches at the least in height, and of a proportionate breadth, upon the outside of such carriage, in manner of the said last-recited act mentioned: and whereas it is expedient to limit the said last-mentioned exemption in cases where such letters or characters so painted as aforesaid shall be of a less height than two inches, pro-

SCHEDULE (D.). CARRIAGES—(continued.)

stance, or any composition of iron, steel, or other metallic substance, the respective sums mentioned in schedule (D.) No. 2, in addition to the respective duties granted by the said acts passed in the 48th and 50th years of the reign of his present majesty, on carriages with less than four wheels.

All which duties in respect of carriages herein mentioned shall be charged upon and paid by the person or persons keeping the same respectively.

Exception.

Save and except always all carriages built and constructed as aforesaid, belonging to any person or persons who are or shall be liable to be assessed to the before-mentioned duties in respect of a four-wheeled carriage, or who are or shall be liable to be assessed to the before-mentioned duties on male servants, contained in schedule (C.) No. I. in respect of two such male servants; which persons respectively shall be charged for such carriages, although built and constructed as aforesaid at the rate prescribed in the respective schedules marked (D.) No. 2, of the act of the 48th Geo. III. c. 35, and this act, for carriages with less than four wheels.

By the 50 Geo. III. c. 104, sect. 4, the makers of taxed carts are to turn their names, and to keep accounts of carts sold.

By the 4 Geo. IV. c. 11, the makers of taxed carts need not put owner's name, &c. thereon, before delivery.

EXEMPTIONS from the several Duties in Schedule (D.) Nos. I., II., and IV.

Royal family.

"Case 1.—Any carriages belonging to his majesty, or any of the royal family."

Hackney-coaches.

"Case 2.—Any coach or coaches, licensed by the commissioners for hackney-coaches within the cities of London and Westminster, and the suburbs thereto to be used as hackney-coaches there, and numbered according to law."

Coachmakers.

"Case 3.—Any carriage kept by any coachmaker or maker of carriages, any time after the 5th day of April, 1811, dead side for the purpose of sale of being lent to any person whose carriage being of the same denominative description, shall be then making, mending, or repairing, by such coachmaker or maker of carriages, and during the time the same shall be necessarily in repair; provided such carriage shall not at any time, whilst in the possession of such coachmaker or maker of carriages, be employed for his or her own use let to hire, or otherwise lent than as aforesaid."

Carriages for sale.

"Case 4.—Any common stage cart which shall be kept, traily and without fraud, to be used wholly in the affairs of husbandry or in the carriage of goods in the course of trade, and whereon the name and place of residence of the owner, and the words 'common stage cart' shall be legibly painted, either by the owner, or his or her servant, shall or may, for the purpose of driving orducting the same only, occasionally ride therein or thereon when laden, or returning from any place to which, or when going to any place from which load shall have been or shall be to be carried in such cart, in the course of husbandry or trade; or which shall be used for conveying the owners thereof their families to or from any place of divine worship on Sunday or on Christmas Day, or on Good Friday, or on any day appointed for a public fast or thanksgiving; or for carrying persons going to or returning from the election of members to serve in parliament; in case such carriage shall not have been used for any other purpose of riding thereon or therein, save as aforesaid, or not have been or be let to hire, for any of such purposes of riding therewith thereon."

Provisions respecting the various duties on carriages.

1 Vict. c. 61.

Carriages need not be described in the accounts and returns of coachmakers and others, otherwise than by the number of wheels thereof.

On horses, &c. kept for hire or carriages.

Taxes, Assessed, &c.

SCHEDULE (D.), CARRIAGES—(continued.)

Provisions respecting the Payment of the various Duties Carriages.

By the 43 Geo. III. c. 161, s. 27, persons who have kept any carriage in the year ending on the days appointed for the commencement of duties in 1804, are to return certain lists to the assessors. See section, *ante*, p. 80.

Sect. 39 points out the proceedings where persons keeping carriages have no fixed residence. See the section, *ante*, p. 85.

Sect. 43 enacts, that coachmakers, &c., shall keep accounts of carriages built, or sold by auction or on commission. See the section, *ante*, p. 85.

Sect. 44 states that proper forms for such accounts are to be had at Tax-office, *ante*, p. 87.

Sect. 45 directs assessors, &c., to whom coachmakers, or sellers of carriages, shall deliver accounts, to certify the same to commissioners, p. 88.

By 7 Will. IV. & 1 Vict. c. 61, sect. 2. "And whereas by the acts in relating to the duties of assessed taxes all coachmakers and makers of carriages, and all sellers of carriages by auction or on commission, and all persons letting to hire any carriages, are respectively required to enter in a copy in writing of every such carriage, distinguishing the number of wheels each ; and all such persons as aforesaid are also required to deliver a copy in writing of every such entry, verified on oath or affirmation, to assessor or assessors of the parish or place in which they respectively reside, or to the surveyor or inspector of the said duties (a) : and whereas describing of such carriages has been found to be attended with difficulty and inconvenience to the persons required to make such entries, to deliver "copies thereof as aforesaid ; for the relief of such persons," enacted, "That in any such entry as aforesaid it shall not be necessary to describe any carriage further or otherwise than by stating the number of wheels thereof."

SCHEDULE (E.)

No. 1.

A SCHEDULE of the Duties payable annually for all HORSES, MARES, and GELDINGS, kept by any Person or Persons for the purpose of RIDING, or for the purpose of DRAWING any CARRIAGE chargeable with Duty by SCHEDULE (D.)"

NUMBER THEREOF.	By the 48 Geo. 3, c. 55.	Added by the 52 Geo. 3, c. 93.	Mole Duty payable
For 1 horse, mare, or gelding	2 13 6	0 4 0	1
2 do. each horse, &c. . .	4 9 6	0 5 0	2
3 do. . . do. . .	4 18 6	0 6 0	2 1
4 do. . . do. . .	5 2 0	0 8 0	2 1
5 do. . . do. . .	5 3 0	0 8 6	2 1
6 do. . . do. . .	5 7 6	0 8 6	2 1
7 do. . . do. . .	5 10 0	0 9 6	2 1
8 do. . . do. . .	5 10 0	0 9 6	2 1
9 do. . . do. . .	5 12 0	0 9 6	3
10 do. . . do. . .	5 17 6	0 9 6	3

(a) See the enactment 43 Geo. III. c. 161, s. 43, *ante*, 87.

pealed, *ante*, 104. A tenth is, however, added to the amount of existing assessments, by 3 Vict. c. 17, s. 8.

(b) By the 4 Geo. IV. c. 11, s. 2, a moiety of the aggregate duty was re-

SCHEDULE (E.)—(continued.)

3. Of the Assessed Taxes themselves.

Farms under 70*l.* a-year at rack-rent.

Horse for taxed cart.

Proviso.

Further exemptions.

Horses let to hire.

Race-horses.

of taxes; provided such one horse, mare, or gelding, shall not on any account be used for any other purpose, save as aforesaid."

" II.—Any person occupying a farm as tenant at rack-rent, the rent shall be less than 70*l.* a-year, and making a livelihood solely thereby, or such person occupying any estate on any other tenure than as tenant at rack-rent, or such estate, together with a farm at rack-rent, the value of the whole, shall be less than equivalent to a farm at the rack-rent of 70*l.* (reckoning the value of every estate occupied by the owner thereof, in tenure other than as tenant at rack-rent, as equivalent to double the like farm at rack-rent), and making a livelihood solely by such estate or by such estate and farm jointly, for one horse, mare, or gelding kept and usually employed for the purpose of husbandry on his or her farm, although used occasionally for the purpose of riding."

" III.—Any person occupying a farm as tenant at rack-rent, and making a livelihood solely thereby, or any person carrying on a trade, and making a livelihood solely thereby, or making a livelihood by such occupation and trade, or any ecclesiastical person not possessed of an annual income of upwards, whether arising from any ecclesiastical preferment or otherwise, one horse, mare, or gelding, used only for the purpose of drawing an carriage with less than four wheels, liable to the duty hereby made payable on carts."

" Provided always, that in every such case the said horse, mare, &c. shall be duly returned, and the exemption hereby granted shall be due in the manner and at the time directed by this act."

See, further, exemptions in favour of *husbandry horses* on certain occasions, occasionally used for riding, and in relation to horses used by certain officers, Geo. IV. & 1 Will. IV. c. 35, ss. 3 and 4, *ante*, 130; afterwards by 4 & 5 Will. IV. c. 73, s. 6, *post*, 149, as to exemption of occupiers of farms under 200*l.* a-year, and exemption extended to occupiers under 500*l.* a-year; and the exemption is further explained and defined by the 5 & 6 Will. IV. c. 64, s. 16. See the enactment, *post*, 149.

See 3 & 4 Will. IV. c. 39, s. 6, exempting horses employed by gardeners from the payment of duty, *post*, 148.

No. 2.

"A SCHEDULE of the Duties payable on Horses let to Hire.

" For every horse, mare, or gelding, kept for the purpose of riding, or of drawing any carriage liable to duty by this act, and let to hire in any manner so that the Stamp-office duty payable by law on horses let to hire shall not be payable, the annual sum of 0 4 0

In addition to the duty of 2*l.* 13*s.* 6*d.* granted by the act passed in the 48th year of the reign of his present majesty.

" To be charged on the person or persons letting the same; provide that no return thereof shall be made by the hirer or hirers, according to the progressive duty made payable by the said act of the 48th Geo. III. in this act, as set forth in the respective schedules of the said acts mentioned in No. 1, shall be chargeable in respect of every such horse, mare, or gelding, the person or persons hiring the same, and making such default as subject to the provisions contained in this act concerning the same.

No. 3.

"A SCHEDULE of the Duties payable on RACE-HORSES.

" For every horse, mare, or gelding, *bond fide* kept for the purpose of racing or running for any plate, prize, or sum of money, or other thing, or kept in training for any of the said purposes, whether in the stables of the proprietor or proprietors, or of any other person or persons, the annual sum of 0 4 0

In addition to the duty of 2*l.* 13*s.* 6*d.* granted by the act passed in the 48th year of the reign of his present majesty.

(a) By the 4 Geo. IV. c. 11, s. 2, a duty was imposed, *ante*, 104; but a tenth moiety of the aggregate duty was remitted, as in other cases, by 3 Vict. c.

*3. Of the As-
sessed Taxes
themselves.*

On appeal, te-
nants coming into
occupation at or
after Midsummer,
discharged from
moiety of annual
assessment.

SCHEDULE (F.)—(continued.)

Sect. 8. “That any tenant coming into the occupation farm at or after Midsummer in any year, may appeal sioners for executing this act, and on proof, to their satisfaction, that he or she shall not have kept or used any horses, mares, or geldings, or her used in the cultivation of the said farm prior to his or her coming into the occupation of such farm, shall be entitled to be charged from one moiety of the annual assessment payable on the said horses, mares, or geldings.”

- By the 1 & 2 Geo. IV. c. 110, intituled “An Act for Duties imposed on Husbandry Horses, and to make provision for reducing the Duties on certain Horses and Mules that, “whereas by an act passed in the forty-eighth year of his late majesty king George the Third, intituled ‘An Act for the Duties of Assessed Taxes, and granting new Duties and certain additional Duties to be consolidated therewith, repealing the Stamp Duties on Game Certificates, and Duties in lieu thereof, to be placed under the Management of Commissioners for the Affairs of Taxes;’ certain duties contained in the schedule marked (F.) of the said act were imposed and made payable on horses, mares, and geldings, not charged with any duty, and in the schedule marked (E.) of the said act, and on mules in the manner after mentioned, in lieu of certain duties thereby repealed;
- 52 Geo. III. c. 93. also, by another act, passed in the fifty-second year of the reign of his late majesty, intituled ‘An Act for granting to His Majesty Additional Duties of Assessed Taxes, and for consolidating with the former Duties of Assessed Taxes,’ certain other duties were imposed and made payable on horses, mares, mules, kept for the purpose of husbandry, which are severally set out in a schedule of the last-mentioned act, marked (F.) No. 2;
- 56 Geo. III. c. 66. another act passed in the fifty-sixth year of the reign of his late majesty, intituled ‘An Act for reducing the Duties payable on Horses for the Purposes therein mentioned for Two Years, and for regranting Allowances in respect of Children,’ the duties imposed by the acts before mentioned, on horses kept for husbandry, were discontinued and suspended, so far as the persons occupying farms of the description and value the same for the term of two years, from the fifth day of April, 1816, were substituted on persons occupying farms as tenants at a rent not exceeding 200*l.* per annum, and making a livelihood solely of an other estate therein described, of a value less than equivalent to a rack rent of 200*l.* per annum, and making a livelihood of an estate, or by such estate and farm jointly: and whereas the said duties were, by certain acts passed in the fifty-eighth and fifty-ninth years of the reign of his said late majesty, further continued until upon the fifth day of April, 1821: and whereas an act was passed on the sixth day of April, 1821, during the present session of parliament, intituled ‘An Act to continue until the Fifth Day of April next, the Duties of His late Majesty, for reducing the Duties payable for the Purposes therein mentioned,’ whereby the said sum were continued until and upon the fifth day of April, 1822: divers petitions, praying, amongst other things, for the discontinuance of the duties granted by the said recited acts, were presented to parliament assembled in the present session; which petitions, as the said act last before recited was pending, were referred to the consideration of a select committee of the said Commons; and to make provision in the said recited act for allowing the same to be repealed thereof in the present session of parliament, for the enabling parliament to give such relief to the said petitioners as of parliament should seem expedient; which provision w

3. Of the Assessed Taxes themselves.

riding, &c., made perpetual.

Proviso.

Act not to revive former repealed duties.

Provisions of said acts to remain in force for levying arrears, &c.

Small farmers' horses.

Exemption for horses employed by market gardeners.

Clergymen and dissenting ministers, whose incomes are under 120*l.* a-year, exempted from the duty on one riding horse.

SCHEDULE (F.)—(continued.)

certain cases therein described for a limited time, and it is expedier the said reduced duties should be made perpetual ;” be it further enacted “That the reduced duties imposed by the said acts on horses, mares, geldings, shall, in every case where the same are granted during the continuance of the said acts, be further continued and made perpetual in virtue of this act : provided always, that nothing in the said act shall be construed to affect any exemption to which the such horses, mares, or geldings, may entitle the person keeping the same by any act passed prior to the granting of the said reduced duties.”

Sect. 6. “That nothing herein contained shall be construed to any rate or duty imposed on horses, mares, or geldings, by any acts repealed by the said first-mentioned act of the forty-eighth year of the reign of his late majesty, or by any other act herein mentioned.”

Sect. 7. “That nothing herein contained shall be construed to any of the provisions of the said acts, relating to any of the assessments or any compositions for the same, other than the duties or compositions on such husbandry horses, mares, geldings, or mules mentioned ; and that all the provisions of the said acts shall continue in force, for the purpose of making and completing the assessments and compositions on such husbandry horses, mares, geldings, or mules for the present and all former years, and for the raising, levying, paying, and accounting for the sums assessed or compounded for, payable or upon the period hereby fixed for discharging the assessments with the present year, as before directed ; and also for the levying, collecting, and recovering all and every the arrears of the said duties, which shall have been or be charged for any year prior to the passing of this act, or which shall have been or shall be charged for the present year, and not directed to be charged by this act, and which shall be in arrear and unpaid ; and for suing for, adjudging, and recovering any penalty or forfeiture which have been or may be incurred in respect of any such assessment, and the hearing appeals against any such assessment.”

By the 11 Geo. IV. & 1 Will. IV. c. 35, s. 3, *ante*, 131, the duty on horses kept and employed by persons for the purpose of husbandry on the farm or estate occupied by him, where the farm is of less than £200 a year were repealed, and this is extended by the 5 & 6 Will. IV. c. 64, s. 16, *post*, 150, to farms under £500, &c.

By 3 & 4 Will. JV. c. 39, s. 6, it is enacted, “That for and in respect of all assessments to be made for any year commencing from and after the fifth day of April, 1833, every horse, mare, gelding, or mule, if kept and used by persons carrying on the trades or business of market gardeners, in the cultivation of the gardens or lands in their respective occupations, and in conveying the produce thereof to or from market (and whether solely and for such purposes, or partly thereto and partly in the affairs of husbandry by the same persons), shall be deemed and taken to be husbandry horses, and shall and are hereby declared to be exempt from the duty of 10*s.* 6*d.* now payable, as if such horses, mares, geldings, or mules were solely kept and used for the purposes of husbandry.”

By 4 & 5 Will. IV. c. 73, s. 5, “Any rector, vicar, or curate acting in the church or chapel of which he is rector, vicar, or curate, (except such person who shall occasionally perform the duty of attending to any rector, vicar, or curate, without being the regular ordinary minister of the parish or place in which such duty shall be performed) and any priest of the Roman Catholic faith who shall have duly taken and subscribed the oaths and declarations required by law, and any teacher or preacher of any separate congregation of Protestant dissenters, whose place of meeting shall have been duly registered, such teacher or preacher having duly taken and subscribed the oaths and declar-

y other source than the said estate or farm so occupied by him as
f; and provided such exemption shall be duly claimed in the
bereinafter directed."

7. "That any person shall be exempt from the duties granted Exemption in
act or acts relating to the duties of assessed taxes for any respect of hus-
mares, geldings, or mules, *bona fide* kept and usually employed bandry horses
purpose of husbandry, although such horses, mares, geldings, and mules occa-
shall be occasionally used for other purposes in drawing sionally used for other purposes of
, and although such horses, mares, geldings, or mules shall draught, or let to
nally used by such person or let by him for the purpose of draw for hire.

for hire or profit ; provided such horses, mares, geldings, or
all not be used for drawing any carriage chargeable with duty "

8. "And whereas by the said act passed in the fifty-second year licensed post-
sign of king George the Third, any postmaster, innkeeper, or masters allowed
rson licensed for that purpose by the commissioners appointed to to use their post-
the duties charged on stamped vellum, parchment, and paper, is horses in bus-
d from the duties granted by the said act in respect of any horse, laundry, and in
gelding let to hire by him or her ; provided that such horse, drawing manure,
gelding shall in every case be *bona fide* let to hire by him or her fodder, &c with
manner that the Stamp-office duty shall be payable on such out being liable
et to hire on each letting, and shall be accounted for by delivery to duty.

cket denoting the Stamp-office duty payable, and be duly satisfied
on each letting according to the directions of the act or acts
such stamp duty, without making composition for the same ;
rided that such horse, mare, or gelding shall not on any occasion
by such licensed person, or any other, without such letting to
payment of stamp duty as aforesaid ;" be it enacted, " That no
stmaster, innkeeper, or other person licensed as aforesaid shall
eable with any duty under any act or acts relating to the duties

SECTION 3—*Definitions*

"which have been inserted for a limited time, and it is expedient
for said troops which should be made permanent." He is further en-
titled "That the required number should be the said one thousand, man-
gaining, equal to every one who the same are granted during the
duration of the said term in future continuous and made perpet-
ual, of the said number always the incumbrance in the said a-
ctual and in consequence of all the expenses to which the
said troops may be exposed by keeping the service, keeping the
said act inserted or continuing may receive the premium keeping the
said act inserted in the granting of the said reduced duties."

Sec. i. "This authority herein contained shall be construed to
mean that if any monument or marker, statue or guidon, by any
method represented in the seal hereinafter mentioned, in the forty-eighth
line of text of the said monument or in any other place therein mentioned,

"This writing herein contained shall be construed to
try if the performance of the said acts relating to any of the as-
sests if any contribution for the same, more than the duties or ex-
cise in such instrument levied thereon, geldings, or mules
therein. and such as the performance of the said acts shall consti-
tute a fine for the purpose of making and completing the assess-
ment contribution in such instrument horses, mares, geldings, or
for the payment will in like manner and for the making, levying, paying,
and remitting for the sum assessed to be exacted and for, payable
at upon the first day of January for discharging the assessments with
peculiar year. as before directed, and also for the levying, collecting, ac-
counting and settling the arrears of the said taxes, which shall have been or
be charged for any year prior to the passing of this act, or which shal-
l be or shall be charged for the present year, and not directed to
payable by any act now in force which shall be in arrear and unpaid; and
paying the same, according to law, recovering any penalty or forfeiture which
shall have or may be entered in respect of any such assessment,
the party against whom such assessment."

By the 11 Geo. IV. & 1 Will. IV. c. 35. s. 3, ante, 131, those services kept and exacted by persons for the purpose of husbandry on the farm or estate occupied by him, where the farm is of less than £200 a year were repealed, and this is extended by the 5 & 6 IV. c. 64, s. 16, post, 150, to farms under £500, &c.

By 3 & 4 Will IV. c. 39, s. 6, it is enacted, "That for and in all assessments to be made for any year commencing from and the fifth day of April, 1533, every horse, mare, gelding, or mule, fide kept and used by persons carrying on the trades or business market gardeners, in the cultivation of the gardens or lands in respective occupations, and in conveying the produce thereof to or from market (and whether solely and for such purposes, or partly the and partly in the affairs of husbandry by the same persons), shall be deemed and taken to be husbandry horses, and shall and are hereby declared to be exempt from the duty of 10s. 6d. now payable, as if horses, mares, geldings, or mules were solely kept and used for purposes of husbandry."

By 4 & 5 Will. IV. c. 73, s. 5, "Any rector, vicar, or curate acting doing duty in the church or chapel of which he is rector, vicar curate, (except such person who shall occasionally perform the duty attending to any rector, vicar, or curate, without being the regular minister of the parish or place in which such duty shall be performed) and any priest of the Roman Catholic faith who shall have duly taken and subscribed the oaths and declarations required by law, and teacher or preacher of any separate congregation of Protestant dissenters whose place of meeting shall have been duly registered, such teacher or preacher having duly taken and subscribed the oaths and declarations required by law."

b.r.s. barnett
1910.

Marketing by
business employers
by market area

**Clergymen and
discreetly abstain,
whose In-
comes are under
£200. a year, ex-
empted from the
duty on one selling
but one.**

And where two or more persons join in keeping or using such hounds, then, in default of their compounding for the same, as aforesaid, any or all of the said persons shall be chargeable for every such hound kept by them or any of them."

Act 3 & 4 Will. IV. c. 39, s. 7, exempts from payment of duty dogs ~~Shepherds' dogs.~~ ^{Shepherds' dogs.} ~~dogs~~ employed by shepherds in the care of flocks in which they have a direct interest. And the 4 & 5 Will. IV. c. 73, s. 10, exempts from payment of duty, after 5th of April, 1834, all dogs ~~bonâ fide~~ kept for the care of sheep, provided no such dog shall be a greyhound, hound, pointer, springer dog, spaniel, lurcher, or terrier.

By the 43 Geo. III. c. 161, s. 27, persons keeping dogs are to return Provisions by the thereof and be charged accordingly, *ante*, 80. ^{43 Geo. III. c. 161, respecting duties on dogs.}
Act 39 gives directions for assessing persons keeping dogs, and who have no fixed residence, *ante*, 85.

SCHEDULE (H.), DUTIES ON HORSE-DEALERS.

A SCHEDULE of the Duties payable by HORSE-DEALERS."

Every person who shall use or exercise the trade and business of horse-dealer, within the cities of London and Westminster, and the liberties of the same respectively, the parish of St. Mary-le-Bone and St. Pancras, in the county of Middlesex, or weekly bills of mortality, or the borough of Southwark, in the county of Surrey, the annual duty of £2 10 0	Aggregate Duty.
In addition to the duty of 22 <i>l.</i> 10 <i>s.</i> granted by the act passed in the 48th year of the reign of his present majesty .	£25 0 0

3. Of the Assessed Taxes themselves.

SCHEDULE (H.)—(continued.)

Every person who shall use or exercise the trade and business of a horse-dealer in any other part of Great Britain, the annual duty of 1 5 0

Aggregate Duty.
£12 10

In addition to the duty of 11l. 5s. granted by the said act .

Mares kept for breeding exempted; and horses bred by seller, &c.

By the 59 Geo. III. c. 13, s. 4, it is enacted, "That from and after the fifth day of April, 1819, all mares which shall be kept for the sole purpose of breeding shall, whilst so kept, be wholly exempt from duty; and that all persons shall and may sell any horses which shall have been bred by them or kept by them as farming stock upon lands in their occupation for the space of three months at the least, without being liable to be assessed to the duties payable by horse-dealers; any thing in any act acts to the contrary notwithstanding."

Provisions by the 43 Geo. III. c. 161, regulating the duties on horse-dealers.

By the 43 Geo. III. c. 161, s. 27, persons having exercised the business of a horse-dealer for the period within mentioned, are to give notice thereof and be assessed accordingly, *ante*, 80.

By sect. 43, horse-dealers are to enter account of horses sold in books to be inspected by the assessors, &c., *ante*, 87.

By sect. 44, proper forms for such accounts are to be had at the Tax office, *ante*, 87.

By sect. 48, horse-dealers, trading at different places, are to deliver returns at each, and declare where they will be charged, *ante*, 88.

SCHEDULE (I.), DUTIES ON HAIR-POWDER WEARERS.

52 Geo. III. c. 93. "A SCHEDULE of the Duties payable by Persons in respect of HAIR-POWDER used or worn by them."

By every person who shall have used or worn any hair-powder within the period limited by any of the acts herein mentioned, the annual sum of £1 3 0

RULES for Charging the said Duties.

How chargeable.

" I.—The said rate or duty to extend to every sort or composition of powder used or worn by any person as an article of, or in, or about, his or her dress, whatever name the same shall be distinguished, and to be assessed upon and paid by the person having used or worn the same within the year preceding the time for which the assessment ought to be made, except as hereinafter mentioned.

Daughters unmarried.

" II.—The unmarried daughters of any person shall not be chargeable with the said last-mentioned duties by this act made payable, or with the duties payable at the time of passing this act, or be required to make any return under this act or the acts in force at the time of passing this act, provided the parent or parents of such daughters shall have more than two unmarried daughters, and shall have given an account in any list by him or her delivered under this act, or the acts now in force, of the whole number of such daughters, and shall have required to be assessed and charged for the whole number by one assessment, in which case every such parent shall be assessed and charged in respect to the whole number of such daughters in twice the sum so payable on any single person for his or her having worn hair-powder, which shall exempt the whole number of daughters from the said duties, and each of them; and that neither the person giving such account, nor any of the persons returned in such account, in respect of whom such charge shall be made, shall in such case be liable to any of the penalties imposed by this act, or the acts now in force, by reason of the duty not being paid for the whole number of such daughters."

N.), and according to the regulations of this act in other cases of ex-
by such volunteers."

"Any clergyman who shall not be possessed of an annual income of 100*l.* Clergymen, &c.
& whether arising from ecclesiastical preferment or otherwise ; or any
preachers of any congregation of dissenters, or any person dissenting
Church of England, in holy orders, or pretended holy orders, who now
y time hereafter shall be entitled to the benefit of the statute made in
ar of the reign of the late king William and queen Mary, intituled
or exempting their Majesties' Protestant Subjects dissenting from the 1 W. & M. st. 1,
England from the Penalties of certain Laws ;' or of the statute made c 18.
teenth year of the reign of his present majesty, intituled 'An Act for 19 Geo. III. c. 44.
Relief of Protestant Dissenting Ministers and Schoolmasters ;' or of
made in the thirty-first year of the reign of his present majesty, in-
Act to relieve, upon Conditions, and under Restrictions, the Persons 31 Geo. III c 32.
cribed, from certain Penalties and Disabilities to which Papists, or
fessing the Popish Religion, are by Law subject,' and who shall not
d of an annual income of 100*l.* or upwards, however arising ; and the
ing from any benefice or benefices shall be estimated on the average
reof, computed on the period of seven years next preceding that on
exemptions shall be claimed."



HEDULE (K.), ARMORIAL BEARINGS.

DULE of the Duties payable by Persons in respect of any 62 Geo III. c. 93.
Bearing or Ensign, used or worn by them, by whatever Name
e shall be called."

such person chargeable with any duty made payable by } £ s. d.
, for any coach or other carriage, the annual sum of . } 2 8 0

3. Of the Assessed Taxes themselves.

SCHEDULE (K.)—(continued.)

	£ . . . d.
By every such person not chargeable for any such coach or other carriage, but who shall be chargeable to any of the duties on inhabited houses, or to the duties on houses, windows, or lights, made payable by this act, the annual sum of .	1 4 0
By every such person not chargeable for any such coach or other carriage, not being chargeable to the said duties on inhabited houses, or to the duties on houses, windows, or lights, the annual sum of	0 1 2 0

"The said duties to be paid by every person having used or caused to be used any armorial bearing or ensign, by whatever name the same is or shall be called within the year preceding the term for which the assessment ought to be made, and to extend to every person who within the said period shall have been possessed of or shall have kept or had any coach or other carriage chargeable with the duty by this act, or any seal, plate, or other article, on which carriage, seal, plate, or other article, any armorial bearing or ensign is or shall have been, during the said period, painted, engraved, marked, or affixed, and whether such armorial bearing or ensign shall be registered in the College of Arms or not."

"EXEMPTIONS from the said Duties as set forth in Schedule (K.)"

Royal family.

Public officers.

Provisions by 43
Geo. III. c. 161,
respecting assess-
ment of duties for
hair-powder and
armorial bearings.

"Any of the royal family; or any person who shall, by right of office or by appointment, have worn or used any of the arms or insignia worn or used by the royal family, or used in any city, borough, or town corporate, in that part of Great Britain before described."

By the 43 Geo. III. c. 161, s. 27, persons having worn hair-powder or armorial bearings are to return lists to the assessors, and be charged accordingly, see *ante*, 80.

SCHEDULE (L.), DUTIES FOR KILLING GAME.

This schedule, and the rules for charging the duties, and all the laws relating to game and game certificates, will be found fully treated of under title "Game," Vol. III.

SCHEDULE (M.), EXEMPTIONS.

No. 1.

"Further EXEMPTIONS from the several Duties in the several Schedules marked (C.), (D.), (E.), and (G.)"

Irish members of parliament and public officers.

"All persons having ordinarily resided in Ireland before the commencement of the session of parliament in the fifty-second year of the reign of his present majesty, and being members of either house of the parliament of the United Kingdom, whether on the part of Ireland, or for any place in Great Britain, and all persons who shall hereafter be members of the said parliament as aforesaid, and who shall have ordinarily resided in Ireland previous to the commencement of the session of parliament in which they shall respectively serve in parliament; and all persons having ordinarily resided in Ireland as aforesaid, or who shall hereafter be ordinarily resident therein, and now holding or who shall hereafter hold offices of public employments in Ireland, and are now residing in Great Britain, or who shall hereafter reside in Great Britain, with the approbation or by the order or direction of the lord lieutenant, or other chief governor or chief governors of Ireland for the time being, or of his or their chief secretary for the time being, and which shall be certified under the hand of the lord lieutenant, or chief governor or chief governors, or his or their chief secretary, to be therein resident for the purposes of assisting in the execution of public business, shall be wholly discharged and exempted from the duties set forth in the schedules to this act annexed, marked (C.), (D.), (E.), and (G.); provided that this exemption shall not extend to any person ordinarily resident in Ireland as aforesaid, being a member of either house of parliament of the

ch year of service may have run into a second year of assessment."

51 Geo. III. c. 72, intituled "An Act for granting Exemp- 48 Geo. III. c. 55.
tian Cases from the Payment of the Duties charged in respect 50 Geo. III. c. 104.
of, Carriages, Horses, and Dogs, kept in Great Britain and Ire-
land; " after reciting that "whereas by certain acts [passed
y-eighth and fiftieth years of the reign of his present majesty,
ties are granted to his majesty on male servants, carriages,
riding or drawing the said carriages, and on dogs, to be an-
nounced and paid throughout Great Britain, which duties are
under the management of the commissioners for the affairs of
Great Britain: and whereas, by a certain act passed in the same 48 Geo. III. c. 42.
h year of the reign of his present majesty, certain duties are
paid to his majesty on male servants, carriages, horses for riding
[the said carriages, and on dogs, to be annually levied and
throughout Ireland, which last mentioned duties are placed under
the management of the commissioners of inland excise and taxes in Ire-
land; whereas it is just and reasonable that persons residing partly
in Great Britain and partly in Ireland should not pay the duties granted
by several acts for the same establishment of servants, carriages,
and dogs, in the same year in both parts of the United King-
dom; it is enacted, "That every person who shall have paid the said
duties payable in Great Britain, in respect of any such servants,
horses, or dogs, for the period of one whole year, who shall
at any time within the same year, as hereinafter is provided, be
subject to the said duties so payable in Ireland, for his or her servants,
horses, or dogs, kept in Ireland (the said servants, carriages,
and dogs, so kept in Ireland, being either the same servants, car-
riages, or dogs, which are so charged in Great Britain in such

Persons paying
duties for ser-
vants, &c., in
Great Britain, not
to pay for same
in Ireland.

3. Of the Assessed Taxes themselves.

Persons paying in Ireland only liable for duty in Great Britain.

SCHEDULE (M.)—(continued.)

year, or servants in the same capacities, or carriages, horses in the same descriptions, chargeable in Great Britain with and kept in lieu of such of the said servants, carriages, as have been *bond fide* parted with), shall be wholly exempt in Ireland for one year of the duties so charged the of each and every of the said servants, carriages, horses in Ireland; and every person who shall have paid the same in Ireland, in respect of any such servants, carriages, for one year, who shall at any time within the same year, provided, be charged to the said duties so payable in Great Britain his or her servants, carriages, horses, or dogs, kept in the said servants, carriages, horses, or dogs, so kept it being either the same servants, carriages, horses, or dogs charged in Ireland in such year, or servants in the same carriages, horses, or dogs of the same descriptions, charged with the like duties, and kept in lieu of such of the said horses, or dogs, as have been *bond fide* parted with, shall from payment in Great Britain, for one year, of so many duties so charged thereon as the duty paid in Ireland in and every of the same servants, carriages, horses, or dogs, carriages, horses, or dogs, kept in lieu thereof respectively shall amount unto, provided that due proof shall be made in Great Britain or Ireland respectively in the manner directed."

Periods at which duties commence.

Sect. 2. "And whereas the said duties payable in Great Britain are chargeable yearly, from the fifth day of April in each year, the duties payable in Ireland are chargeable yearly, from January in each year; be it declared and further enacted, that payment in Ireland in the manner herein directed, withal commencing on the fifth day of January in such year, shall entitle claimant to the exemption hereby granted in Great Britain so commencing on the fifth day of April following, and proof of payment in Great Britain in the manner herein directed, for one year, ending on the fifth day of April in any year, shall entitle the claimant to the exemption hereby granted in Ireland, within the year commencing on the fifth day of January preceding."

Persons claiming exemption in Great Britain to produce certificates of payment in Ireland.

Sect. 3. "That every person claiming to be exempted from the payment of the said duties in Great Britain, by virtue of this act, shall deliver to the surveyor or inspector of the district where he shall reside, a certificate under the hand of the proper officer of inland excise and taxes in Ireland, containing a true copy of all receipts given to such claimant on all such payments as were made in the last year wherein such claimant was charged to the said duties, which certificate shall either contain, or there shall be annexed thereto, a return containing the number of servants, carriages, horses, and dogs, paid for in Ireland by such claimant in the last year, and the capacities of the said servants, and the descriptions of the horses, and dogs, as required by the said first-recited acts, which of the said servants, carriages, horses, or dogs, are the same as those so charged in Ireland, and which of them are kept in lieu of the said servants, carriages, horses, or dogs, which have been paid for in Ireland by such claimant, being first signed by the claimant in his proper name, and in his or her usual manner of writing, to be transmitted to the commissioners for the affairs of taxation and the said commissioners shall inquire and examine into every such claim in such manner as they shall think necessary, and the commissioners of inland excise and taxes in Ireland shall be hereby required to aid and assist the commissioners for the affairs of taxation, in their inquiries and examinations into such claims, and any such claims shall be duly proved to the satisfaction of the commissioners."

inland excise and taxes in Ireland, who shall inquire and into the truth of every such claim in such manner as they shall see fit, and the commissioners for the affairs of taxes in England they are hereby required to aid and assist the commissioners of inland excise and taxes in Ireland in their inquiries and examinations into such claims; and whenever any such claims shall be duly proved to the satisfaction of the commissioners of inland excise and taxes in Ireland, it shall be lawful for them to grant the said exemptions in such manner as may be authorized to grant other exemptions by any act or acts in force relating to the said duties."

"That if any person or persons shall make any such claim in Ireland, without having first paid the duties in Ireland for the same articles respectively, or for articles of the same descriptions respectively as those for which such exemption is claimed, or if any person or persons shall make any such claim in Ireland, without having first paid the duties in Great Britain for the same articles respectively, or for articles of the same descriptions respectively with the articles for which such exemption is claimed; or if any person or persons shall be guilty of any contrivance with intent to evade the payment of any of the taxes, impositions, or sum or sums of money granted or made in Great Britain or Ireland by virtue of the said recited acts, or either in making any such claim, or in obtaining any such certificate, or shall deliver any false or fraudulent certificate, with intent to obtain such exemption, or shall make a second claim for the same taxes, or such person so offending shall forfeit any* pay the sum of £1000." * Sic in act.

Penalty.

"That in every case where the said penalty shall be incurred the penalties

3. Of the Assessed Taxes themselves.

recovered and applied.

Certain exemptions not affected.

4 & 5 W.IV.c. 73.
Servants, &c., wholly exempted from duty, not to be reckoned in assessing progressive duties in respect of other servants, &c., kept by the same person.

Exemptions to be claimed as directed by 48 Geo. III. c. 161, s. 36.

SCHEDULE (M.)—(continued.)

in Great Britain, the same may be sued for, recovered, and any penalty for any offence committed against the said first-reci either of them, relating to the said duties payable in Great Bi be sued for, recovered, or applied, in that part of Great Britain said offence shall be committed ; and in every case where the s shall be incurred in Ireland, the same may be sued for, reco applied, as any penalty for any offence committed against the l act, or any other act or acts in force in Ireland respecting the be sued for, recovered, or applied in Ireland."

Sect. 8. "That nothing in this act contained shall extend strued to extend to or in any way to affect any of the exemp the payments of the said duties granted and allowed by any ac parliament to members of parliament ordinarily resident in] persons holding offices or public employments in Ireland, resident in Great Britain, for the purposes of assisting in the e: the public business, or to alter the manner of claiming such e as are granted and allowed by the said act or acts last mention

By stat. 4 & 5 Will. IV. c. 73, s. 12, it is enacted, "That under or by virtue of this act, or of any other act or acts rela duties of assessed taxes, any person is or shall be wholly exem duty in respect of any male servant, or any horse, mare, or g any dog, respectively retained or employed or kept by him, servant, or such horse, mare, or gelding, or dog, shall not be reckoned for the purpose of assessing or increasing the pro other duties payable by such person in respect of any other mal or horses, mares, or geldings, or dogs, respectively retained or kept by him, but that all such last-mentioned duties shall l and charged on such person without reference to the male serv mare, or gelding, or dog, in respect of which such total exem duty as aforesaid shall be duly allowed."

By sect. 11 it is enacted, "That in the several cases of granted by this act in respect of any of the duties on male se horses, mares, geldings, or mules, and on dogs, where such ex directed by this act to be claimed, all such servants, horses, m ings, or mules, and dogs respectively, shall be duly return assessor ; and every such exemption shall be claimed by the pa the benefit thereof in the manner directed by an act passed in third year of the reign of king George the Third, with regard exemptions from the duties of assessed taxes ; and no such shall be allowed unless the same and the cause thereof sha returned to the assessor in the manner directed by the said act

SCHEDULE (N.), FORMS OF CERTIFICA

Forms.

[48 Geo. III. c. 55 ; and 52 Geo. III. c. 93.]

I.—Form of CERTIFICATE to be delivered by Members of Volun

"I, , commanding officer of the , do hereby certify, is of an act passed in the fifty-second year of the reign of his present ma tuled 'An Act' [here insert the title of this act] (a), that the sever herein named and described are severally enrolled and serving in the

(a) "An Act for repealing the Duties Duties on Game Certificates of Assessed Taxes, and granting new ing new Duties in lieu the Duties in lieu thereof, and certain addi placed under the Manage tional Duties, to be consolidated there- Commissioners for the Affair with; and also for repealing the Stamp

[if the certificate be granted in England, or, if in Scotland, in
of his appointment as gamekeeper of the lands of K., in the said county].
in pursuance of acts passed in the forty-eighth and fifty-second years of
reign of George the Third, and certified the day of , in the year
Lord .

"(Signed) . Clerk."

"The certificate will expire on the fifth day of April next."

Form of CERTIFICATE to be issued to every Gamekeeper, not being an assessed Servant to any Person or Persons.

"No. . Game Duty Certificate (C.)

*A. B., clerk to the commissioners acting in the execution of the acts
to assess taxes for the division of L., in the county of L.*

(Signed by the Collector or his Agent)

signed from C. D., residing in the parish [or, township] of [here name the township], in the said county (in exchange for this certificate), a receipt

SCHEDULE (N.)—(continued.)

under the hand of G. H., one of the collectors of assessed taxes for the parish [or, township] of [here name the parish or township], for the sum of 3l. 13s. 6d. sterling for the game duty chargeable upon the said C. D., in respect of his depuration as gamekeeper of the manor or royalty of K., in the said county [if the certificate be granted in England, or, if in Scotland, in respect of his appointment of the lands of K., in the said county]; the said C. D., not being a assessed servant to any person or persons. Given in pursuance of acts passed in the forty-eighth and fifty-second years of the reign of George the Third, and certified the day of , in the year of our Lord .

" (Signed) , Clerk."

" This certificate will expire on the fifth day of April next."

V.—Form of CERTIFICATE to be issued to every Person not being a Gamekeeper.

" No. . Game Duty Certificate (D.)

" By A. B., clerk to the commissioners acting in the execution of the acts assessed taxes for the division of I., in the county of L.

" Received from C. D., residing in the parish [or, township] of [here name the parish or township], in the said county (in exchange for this certificate), a sum under the hand of G. H., one of the collectors of assessed taxes for the parish [or, township] of [here name the parish or township], for the sum of 3l. 13s. 6d. sterling, for the game duty chargeable upon the said C. D., in his own right, throughout Great Britain. Given in pursuance of acts passed in the forty-eighth and fifty-second years of the reign of George the Third, and certified the day of , in the year of our Lord .

" (Signed) , Clerk."

" This certificate will expire on the fifth day of April next."

IV. Of Compounding for Assessed Taxes.

[59 Geo. III. c. 51; 1 Geo. IV. c. 73; 1 & 2 Geo. IV. c. 113; 3 Geo. IV. c. 50; 4 Geo. IV. c. 11; 4 Geo. IV. c. 45; 5 Geo. IV. c. 44; 7 Geo. IV. c. 22; 10 Geo. IV. c. 21; 1 Will. IV. c. 35; 1 & 2 Will. IV. c. 7; 2 & 3 Will. IV. c. 113; 3 & 4 Will. IV. c. 34; 4 & 5 Will. IV. c. 54; 5 & 6 Will. IV. c. 64.]

By the 59 Geo. III. c. 51, "An Act to relieve Persons compounding for their Assessed Taxes, from an Annual Assessment, for the term of Three years," sect. 1, after reciting, that, "whereas by an act passed in the forty-eighth year of the reign of his present majesty, intituled 'An Act for repealing the Duties of Assessed Taxes, and granting new Duties in lieu thereof, and certain additional Duties, to be consolidated therewith; and also for repealing the Stamp Duties on Game Certificates, and granting new Duties in lieu thereof, to be placed under the Management of the Commissioners for the Affairs of Taxes,' certain duties of assessed taxes were granted to his majesty; and by another act, passed in the fifty-second year of the reign of his said majesty, intituled 'An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes,' certain new and additional duties of assessed taxes were also granted and consolidated with the former duties of assessed taxes, which duties have been varied by several subsequent acts; and it is expedient to relieve such persons as are willing and desirous of compounding for their assessed taxes from an annual assessment, and all further or increased charges on articles of the same description, for a term to be limited, on

who shall apply to them for that purpose, in the same division
such assessment hath been made, for the composition of their
assessed taxes, for the said period of three years, according to
the said provisions of this act; and all and every persons and
assessed for the year ended as aforesaid, to the duties made pay-
able by the said acts, or any of them, are and is hereby respec-
tively to be competent to enter into composition with the said
commissioners, for their, his, or her assessed taxes, for the
two years, to commence from the said fifth day of April, on the
first anniversary as shall have been assessed upon them, him, or her,
ended as aforesaid, together with an additional annual rate for
of the amount so assessed, to be ascertained and fixed in the
said in manner herein mentioned, except as hereinafter is

Persons assessed
in the last year
may compound.

"That the duties assessed on inhabited houses and on windows Compositions on
contained in the schedules marked (A.) and (B.), or either of house and window
duties to be made
red to by the said act of the forty-eighth year aforesaid, shall separately.
ed for separately and distinctly from all and every the other
n mentioned, chargeable under the said acts, or any of them;
ny such composition shall be made on the amount of the said
med on inhabited houses and on windows or lights, the pro-
te said additional rate shall be 1s. for every 20s. of the amount
and so, after that rate, for any greater or lesser sum than
here any such composition shall be made on the amount of
the duties granted by the said acts (except the duties granted
respect of killing game), the proportion of the said additional
1s. for every 20s. of the amount so assessed, and so, after
any greater or less sum than 20s.

Additional rate of
1s. for every 20s.
on amount of
compositions.

That all and every persons and person entering into any such Compositions to
according to the provisions of this act, and paying the amount
compounded for at the times and in the proportions, and in
tin specified, and doing and performing all other acts, matters,
required by this act, shall be entitled to make or open, and keep
g the said term, free of duty, any additional number of win-

Compositions to
entitle persons
compounding to
open windows,
and keep addi-
tional articles
free of duty.

4. Of Compounding for Assessed Taxes.

50 Geo. III. c. 51.

Persons chargeable to a greater amount than in the last year's assessment, to compound on the increased amount.

Persons compounding not to be charged for increased establishment in certain cases.

Articles of different assessments to be compounded for on the last assessment.

Compositions to cease at the end of the year.

Compositions to bind party to punctual payment of amount.

Parties removing, and the executors and assigns of persons dying, &c., to be answerable for the compositions to the end of the year.

other schedule or schedules of the said acts, than they, he, or she was charged in respect of in the assessment on which the same shall have been made; in which excepted cases, and no other, increased charges shall be made, and the fines, penalties, and forfeitures according to the provisions of the several acts, in relation to taxes in force at and immediately before the passing of this act, effectually as if no such composition had been made under this

Sect. 4. "That no composition shall be entered into under this act with any persons or person who shall have become chargeable present year, by reason of any different or additional establishment up within the year ending on the fifth day of April, 1819, to the amount of duty than hath been charged on them, him, or her, last year's assessment, without including, as well the amount charged in the said assessment, as the increased amount of coming chargeable by reason of such different or additional establishment, nor in any such case where a bond side return of such increased establishment shall not be made before the first day of April, 1819."

Sect. 5. "That no person shall be chargeable under the act at the time of passing this act, after the expiration of the said three years, for any part of the increased establishment not included in the composition entered into under this act, who shall give six months previous notice of his intention to discontinue the same, and who shall have ceased to keep the same one calendar month prior to the end of the said period of three years."

Sect. 6. "That when an establishment shall have consisted of articles whereon a less duty hath been made payable by any present session of parliament, it shall be lawful to enter into composition under this act, on the amount of duty charged on other articles in the said last assessment, together with the amount of duty so payable by the said act of the present session of parliament."

Sect. 7. "That every composition entered into under this act respecting the duties charged on a dwelling-house from which the same or person entering into the same shall remove during the term herein limited, shall cease and determine on the fifth day of April next after such removal; and every composition entered into under this act respecting any other of the duties granted by the said acts, with a person or person who, within the said term herein limited, shall die, become bankrupt or insolvent, or shall assign their, his, or her goods, chattels, or effects, shall also cease and determine on the first day next after such death, bankruptcy, insolvency, or assignment."

Sect. 8. "That every composition entered into in pursuance of this act, subject to the determination thereof as aforesaid, shall bind the same or person entering into the same, their, his, and her chattels, effects, to the due and punctual payment and satisfaction, at the time and in the proportions herein specified, of the full amount of sums made payable upon the said composition, or by virtue thereof, in continuance of the same, according to law and under the provisions of this act."

Sect. 9. "That all and every persons or person so having compositions and quitting or removing from the dwelling-houses or dwellings in respect of which such composition shall be made, and the executors, administrators, or assignees of such persons or person dying or becoming bankrupt or insolvent, and the assigns of any such persons assigning their, his, or her estates, chattels, goods, or effects bound to the due and punctual payment of all sums accruing, or arrear at the respective times of such removal, death, bankruptcy, insolvency, or assignment, or which shall be payable upon such compositions for the year ending on the fifth day of April next after such removal, death, bankruptcy, insolvency, or assignment; and no goods whatever, belonging to any persons or person so having compositions and quitting or removing from their, his, or her dwelling-

house, or dying or becoming bankrupt, or insolvent, or assign- 4. *Qf Com-*
his, or her estate, chattels, goods, or effects, shall be removed, pounding for
any goods or chattels belonging to any persons or person so
compounded be liable to be taken by virtue of any execution or
process, warrant, or authority, unless the persons or person so
compounded, or their, his, or her executors, administrators, or
a, or the party to whom any such assignment shall be made, or by
such process, warrant, authority, or seizure, shall be sued out or
had, before the removal of such goods or chattels, pay or cause
it to the proper collector or collectors of the said composition-
(the same not having been paid to the governor and directors of
the Bank of England, or the receiver-general, or his deputy, pursuant to
sections of this act), all arrears of the said monies which shall be Arrears to be
paid,
or which shall be payable for the year ending on the fifth day
next after such removal, death, bankruptcy, insolvency, assign-
ment, or seizure; and in case of refusal to pay the said composition-
then due, or to grow due, as aforesaid, the said collectors or col-
lectors or is hereby authorized and required to distrain such goods or
chattels distrained under the said acts, until they or he shall
have received payment of the said composition-money, together with the
cost and charges attending such distress and sale, and every
debt shall be indemnified for so doing by virtue of this act."

10. "That the monies to arise or become payable by virtue of

Composition-
monies payable
quarterly as as-
sessed taxes.

positions entered into under this act shall be payable without

and paid quarterly, at the same times and in the same pro-

and to the same persons respectively, as the duties of assessed

now payable by virtue of any act or acts in force at and imme-

diately before the passing of this act: provided always, that all and every

monies and person so compounding as aforesaid, the amount of whose

impositions or composition shall not be less than 20*l.*, may con-

agree with the respective commissioners aforesaid, for the pay-

ment, his, or her composition-money into the Bank of England,

receiver-general, or his lawful deputy, for the county or division

in which, his, or her composition-money shall be payable, by half-

payments at the times and in the manner herein prescribed in

and all such half-yearly payments shall be made in equal por-

tions before the first day of October, and the first day of April in

and with respect to payments to be made to the receiver-ge-

neral, or his deputy, to require a receipt or receipts acknowledging such

at the cost and charge of the persons or person making such

in such form as the commissioners for the affairs of taxes shall

direct; and in every such case the said receiver-general, or

as aforesaid, shall give the said persons or person by whom

Proviso for pay-
ment of composi-
tions not less than
20*l.* into the
Bank, or to re-
ceiver-general,
by half-yearly
payments.

Receiver-general
to give receipts,
to be delivered
over to the col-
lector, and by him
received as cash.

"That the governor and directors of the Bank of England

Bank to open an
account with
commissioners of
treasury.

an account in their books with the commissioners of his

treasury of the United Kingdom of Great Britain and Ireland

being, for each year, during the term herein limited, under

"The Commissioners of the Treasury on account of Compo-

sessed Taxes," and shall carry to the credit of such account

unauthorized by this act to be paid into the said Bank of England;

4. Of Compounding for Assessed Taxes.

59 Geo. III. c. 51.

Cashiers to receive compositions, and to enter same in account.

Persons paying annual compositions in advance, to receive a discount of 3*l.* per cent. per annum.

Certificates of Bank to be received by collectors as cash.

Assessors to deliver notices to all parties assessed in the last year, together with a printed form.

Persons desirous to compound to send applications to clerks of commissioners; who are to summon commissioners to take applications into consideration.

and the cashier of the Bank of England, who shall be tendered to him in payment of not less than one moiety annually payable on any composition, shall enter the same to be provided for that purpose, and all such sums shall be entered to the names or name of the persons or person compounding and the county, division, and parish, or place, mentioned of composition; and the said cashier shall give the person same a certificate of such payment, specifying their half-yearly instalments thereby discharged, and referring names or name of the persons or person so compounding and division mentioned in the certificate of composition provided always, that it shall be lawful for any person authorized as aforesaid, to pay, or cause to be paid in the governor and company of the Bank of England, or to the cashiers, any sum or sums of money compounded for payable for the term of one whole year, and to require certificates acknowledging such payments; and it shall be the duty of the cashier or cashiers of the said Bank of England, on presenting a certificate of composition at the time of payment of advance (all sums then payable on such composition for the first instalment being first satisfied), to make an allowance for sums so paid in advance, at the rate of 3*l.* per cent. calculated for the period or periods by which each sum may be paid sooner than the period prescribed by this act therefor; and all such certificates made out by the cashier of the governor and company of the Bank of England, as indorsed and delivered by the persons or person so compounded, or by one of them, of the parish or place where referred to by the certificate of composition shall have been received by them as cash in satisfaction of the condition, and allowed to them in their accounts with the receiver, his deputy, as aforesaid."

Sect. 12. "That the assessors acting in the executive relation to assessed taxes, shall, as soon after the passing of this act as can conveniently be done, give such notice of this act to all persons and person charged to the said duties, or any year ending the fifth day of April, 1819, as the commissioners of taxes shall devise and direct, or leave the same in their dwelling-house, or place of residence, or on the premises where the said assessment within the respective limits of such together with a printed form, to be used in applying to the commissioners of the respective divisions by all persons desirous of compound their assessed taxes under this act, in such form as shall be directed as aforesaid; and all and every persons and person so compounding, shall distinguish, on such form, the name in which they, he, or she, are or is desirous to compound, a name with their, his, or her christian and surnames or initials, or her usual manner of writing the same, and cause the same to be delivered, free of charge, to the clerk of the commissioners wherein the said assessment hath been made; and the person to whom such forms shall be received, shall number the same and file the same, and with all convenient speed shall cause the documents on which such compositions are to be made, and the commissioners of their respective divisions to meet at a time of meeting on some convenient day, not later than ten days from the time when they shall have received notice of any such application to compound; and the said commissioners shall meet at their usual place of meeting at the time fixed by such summons, to take the applications into consideration, and so, from time to time, as often as they shall be made, and at such times as they shall deem necessary for the execution of this act."

next year, so as to increase the amount of their, his, or her
it for the present year, beyond the amount charged in the pre-
or hath not made any return, or hath made an undue return
year, it shall be lawful for the said surveyor, and he is
permitted to certify the same in writing by him to the said com-
with his objections; and no composition shall be entered into
of the dwelling-house from which the persons or person apply-
and have or hath removed; nor with any persons or person
nor hath made a due return of all articles, matters, and
able upon them, him, or her, for the present year, and in
the return shall have been made, then no such composition
entered into, without adding to the amount of the last year's
additional establishment chargeable under the said acts in
year, and calculating the additional rate payable under this
aggregate amount; and if any doubt shall arise, whether a
may be made under this act, according to the provisions
all be lawful for the respective commissioners to refer the taxes,
ab to the commissioners for the affairs of taxes, or to such
as his majesty shall appoint for that purpose, or any two of
all return their opinion to the said respective commissioners,
according to such opinion."

"That upon every composition entered into under this act, Half of the com-
position to be paid
day of October, 1819, there shall be paid one moiety of the
at payable on the same, within ten days after the date of the
composition; and no such composition shall be entered into
ty-first day of the same month, nor after the persons or per-
for the same shall have received a notice of an increased
their, his, or her return of articles chargeable for the present
a surveyor of the district in which such return shall be made;
appeal from the amount of the first assessment charged on
or person so applying to compound for the present year,
be made conformable to the returns of the persons or person

"That, upon all applications to compound under this act, Clerks to prepare
Certificates of
not be objected to by the surveyor, as aforesaid, the clerk to

In what cases
composition may
be rejected.

Doubts may be
referred to com-
missioners for
taxes, &c.

Limitation of
time.

4. Of Com-
ounding for
Assessed
Taxes.

59 Geo. III. c. 51.

Composition-mo-
nies to be raised
under provisions
of acts relating
to assessed taxes.

Commissioners
acting under as-
sessed tax acts to
be commissioners
for executing this
act.

Other officers ap-
pointed under the
same acts to exe-
cute this act.

Treasury to allow
additional salaries
to surveyors, and
discharge inci-
dental expenses.

compounding, in the presence of their clerk, or his assistants, attest the same; and two of the said parts shall be cut off in the third part, and from each other, one of which shall be delivered to the persons or person compounding, and the other thereof transmitted to the office of the commissioners for the affairs of taxes, and the remainder with the commissioners executing the same; and all documents shall be made in the form to this act annexed."

Sect. 16. "That the several sums payable under or by composition to be made under this act shall be raised, levied, accounted for, under the provisions and regulations of this act or acts in force at the time of passing this act, in relation to assessed taxes, or of any act or acts to be passed in this session; and this act shall be construed in such manner, as effect, as if the several provisions in the said acts in force contained, for raising, levying, paying, and accounting for assessed taxes, were expressly enacted in this act, except provisions are made under this act, for paying the said several compositions under this act, or shall be made or acts to be passed in the present session of parliament every the powers, authorities, directions, clauses, matters contained in such acts in force, as aforesaid, for levying accounting for the duties of assessed taxes, shall severally be observed, practised, and put in execution throughout all parts of England and Scotland respectively, as fully as to all intents and purposes, as if the same powers, authorities, clauses, matters, and things were respectively repeated and this act, and shall severally be applied, construed, deemed, belong to this act, in like manner as if the same had been enacted and expressly applied to the monies to be raised, paid, and accounted under the compositions authorized by this act."

Sect. 17. "That all and every the persons or person who or for the time being shall be, commissioners for putting the said acts in relation to the assessed taxes, and who shall be severally qualified and authorized to act in the execution of this act, and shall have taken the oaths directed thereby, shall be capable for putting in execution this act, and the powers referred to in all and every the respective counties, ridings, cities, boroughs, towns, and places, privileged or not privileged, within Wales, and Berwick-upon-Tweed, and in all and every the stewartries, cities, and boroughs in Scotland, and the several collectors, and clerks, respectively appointed or to be appointed in execution the said acts, and the several surveyors, inspectors-general, respectively appointed or to be appointed in virtue of the said acts, within the limits of their respective districts to which they are or shall be respectively appointed, shall be assessors, collectors, clerks, surveyors, inspectors, and general, to put in execution this act, according to the powers respectively given to them by this act, and they respectively are empowered and required to do all things necessary for putting this act in execution, with relation to the compositions to be made, as to be raised under this act, in the like and in as full and ample a manner as they or any of them are or is authorized to put in execution of the said acts, in so far as the said powers are respectively given to them by this act; and all the monies to be raised under this act shall be employed in the care and management of the commissioners for the execution of this act, appointed or to be appointed by his majesty, his heirs or successors."

Sect. 18. "That it shall be lawful to and for the commissioners of the treasury, or any three or more of them, now or for the time being, to allow such additional salaries to several surveyors to be employed in the execution of this act, as may be necessary in relation thereto, and also to discharge such incidental expenses."

the necessary executing all matters and things directed to be performed by or under the commissioners acting in the execution of the clerk of the said respective commissioners who shall perform within the times limited by this act, or by the said acts in and immediately before the passing of this act, shall have and receive the receiver-general at the same times, and under the same conditions and restrictions, the like poundage on the amount computed under this act, as he would have been entitled to have and receive the said act of the forty-eighth year aforesaid, for the like summed taxes."

b. "That from and after the date of any certificate of composition under this act, and during the continuance of the same in assessments under the said acts shall cease with respect to the person so compounding, except as hereinbefore is excepted;

extracts of all and every certificate and certificate of composition within ten days after the first day of October in the present and each subsequent year during the continuance of any composition under this act, within one calendar month after the fifth day of October,

to be prepared by the clerk to the commissioners who issued the said certificates, in such form as shall be devised and agreed upon by the commissioners for the affairs of taxes; and the said clerk, or any two or more of them, shall yearly set their hands to abstracts, and deliver, or cause to be delivered, one of the extracts of such certificates, together with warrants, under the hands of two or more of the said commissioners for collecting sums due to the persons respectively who shall be appointed to collect taxes for that year, and one other of the said abstracts to the district for the time being, and the third of the said abstracts to be kept by such clerk for the use of the said commissioners; the respective collectors shall not receive the sums payable by compositions of composition with which they are respectively endeavouring to the said abstract delivered to them respectively, or if the receiver-general or his deputy, or the certificate of the Bank of England, acknowledging the payment thereof, at the times mentioned in their warrants, it shall be lawful to and

All assessments
to cease, except as
before excepted.

Clerks to make
out abstracts of
composition for
collectors to col-
lect by.

If compositions
not duly paid,
collectors may det-
ain for arrears,
with 1s. in the
pound for their
own use, and all
costs and charges.

4. Of Com-
pounding for
Assessed
Taxes.

59 Geo. III. c. 51.
assessed taxes, the
amount of com-
position-monies.

Composition-mo-
nies carried to
consolidated fund.

ward, and place, within their respective divisions, to be inserted in the annual duplicates of assessments of assessed taxes on parchment, in a column to be prepared thereon for that purpose, under the head "Taxes compounded for," in like manner as if the same amounts had been severally charged by assessment under one schedule of the said acts, in the same parish, ward, or place; and shall place the respective amounts payable in each parish, ward, or place, opposite the names of the collectors of the same parish, ward, or place, that the several collectors, and each parish, ward, or place, may be answerable for the same amounts, as if the same had been to be raised by assessment under the said acts."

Sect. 21. "That the monies arising by the compositions entered into under this act (the necessary charges of raising and accounting for the same excepted), shall from time to time be paid into the receipt of His majesty's exchequer at Westminster, to the account of assessed taxes, and shall be carried to and made part of the consolidated fund of Great Britain."

" SCHEDULES to which this Act refers.

" No.



" Know all men, that we, _____ of the commissioners acting in the execution of the acts in relation to assessed taxes, for the division of _____, in the _____, have contracted and agreed with _____, of _____, in the said county and division, in pursuance of an act passed in the 59th year of George the Third, for the composition of _____ assessed taxes, chargeable upon _____ at and for the annual sum of £ _____, being the amount of the said assessment and an additional rate of _____ pounds per centum per annum thereon, amounting together to the sum of £ _____, to be paid in to the receiver-general of the said division by two instalments;

Viz., 1st instalment, on or before the 1st day of October,
2d instalment, on or before the 1st day of April,
in each year, during and until the full end and term of three years, commencing on the 5th day of April, 1819.

" The condition of the above composition is, that the above-named _____ shall duly pay, or cause to be paid, to the receiver-general of the said division, or his lawful deputy, or one of them, on or before the days before mentioned, without demand, the yearly sum of £ _____, by two instalments, in even portions, taking his receipt for the same on each payment, and delivering the said receipts to the collectors of _____, or one of them, in discharge of such payment; otherwise the said composition shall be levied of the goods and chattels of the said _____, or otherwise, as the said act directs.

" Signed,

} Commissioners of the
within Division.

" Witness,
" Clerk to the said Commissioners.

The party hereto."

" No.



" Know all men, that we, _____ of the commissioners acting in the execution of the acts in relation to assessed taxes, for the division of _____, in the _____, have contracted and agreed with _____, of _____, in the said county and division, in pursuance of an act passed in the 59th year of George the Third, for the composition of _____ assessed taxes, chargeable upon _____ at and for the annual sum of £ _____, being the amount of the said assessment and an additional rate of _____ pounds per centum per annum thereon, amounting together to the sum of £ _____, to be paid into the Bank of England by two instalments;

Viz., 1st instalment, on or before the 1st day of October,
2d instalment, on or before the 1st day of April,
in each year, during and until the full end and term of three years, commencing on the 5th day of April, 1819.

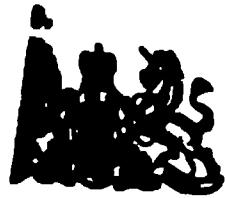
condition of the above composition is, that the above-named _____ shall pay, or cause to be paid, to one of the cashiers of the Bank of England, pounds for the days before mentioned, without demand, the yearly sum of £ _____, Assessed statement, in even portions, taking the certificate of the said cashier for Taxes. On each payment, and delivering the said certificates to _____, the collector, or one of them, in discharge of such payment; otherwise the composition shall be levied of the goods and chattels of the said _____, or in as the said act directs.

"Signed,

"Witness,
"Clerk to the said Commissioners.

} Commissioners of the
within Division.

The party hereto."



"Know all men, that we, _____ of the commissioners acting in execution of the acts in relation to assessed taxes, for the division of _____, in the _____, have contracted and agreed with _____, of _____, in the said County and division, in pursuance of an act passed in the 59th year of George the Third, for the composition of _____ assessed taxes, chargeable upon _____, and for the annual sum of £ _____, being the amount of the said assessed tax, and an additional rate of _____ pounds per centum per annum thereon, amounting together to the sum of £ _____, to be paid in to the collectors of the said tax by four instalments:

Viz., 1st instalment, on or before the 5th day of July;

2d instalment, on or before the 10th day of October;

3d instalment, on or before the 5th day of January;

4th instalment, on or before the 5th day of April;

And year, during and until the full end and term of three years, commencing _____ 5th day of April, 1819.

The condition of the above composition is, that the above-named _____ shall pay, or cause to be paid, to the collectors for the said _____, or one of them, or before the days before mentioned, without demand, the yearly sum of £ _____, by four instalments, in even portions; otherwise the said composition shall be levied of the goods and chattels of the said _____, or otherwise, as the said act directs.

"Signed,

"Witness,
"Clerk to the said Commissioners.

} Commissioners of the
within Division.

The party hereto."

By the 1 Geo. IV. c. 73, s. 1, after reciting, that, "Whereas, by an act 1 Geo. IV. c. 73, passed in the fifty-ninth year of the reign of his late majesty king George the Third, intituled, 'An Act to relieve Persons Compounding for their Unpaid Taxes from an Annual Assessment for the Term of Three Years,' on the sixth day of January, 1820, all persons assessed to the said taxes for the year ending on the fifth day of April, 1819, were enabled to compound for the same, on the terms and conditions therein contained, by the respective commissioners for executing the acts relating to said duties at any time on or before the thirty-first day of October, 1819: and whereas the commissioners for executing the said acts in several districts have executed and delivered contracts of composition after said thirty-first day of October, 1819, and in other districts have referred from persons desirous of compounding or entitled to have compounded before the said thirty-first day of October, 1819, offers to compound under the terms and conditions of the said act, but may not have executed the same; and it is expedient that all compositions which have been entered into after the thirty-first day of October, 1819, should be continued, and that the time should be extended for completing certificates of composition upon offers to compound under the terms and conditions of the said act, which were delivered to the said commissioners, or their respective clerks, under the regulations of the said act, on or before the twentieth day of November, 1819:" it is enacted, "That all certificates of composition which have been entered into and signed by the said respective commissioners, or their clerks, under the regulations of the said act, on or before the twentieth day of November, 1819, shall be valid and binding, as if they had been made and signed under the authority of the commissioners for executing the acts relating to the said duties, on or before the thirty-first day of October, 1819."

*4. Of Com-
pounding for
Assessed
Taxes.*

1 Geo. IV. c. 73.
missioners on or
before Nov. 30,
1819, confirmed.

Commissioners
may contract on
offers to com-
pound made by
Nov. 30, 1819, pro-
vided the certifi-
cates of contracts
are executed be-
fore Dec. 31, 1820.

Proviso for per-
sons entering into
compositions for
four wheel car-
riages,

and for carriages
with less than
four wheels,

and for male ser-
vants,

and for horses,

tive commissioners and the parties compounding at any time after said thirty-first day of October, and on or before the said thirtieth day of November, 1819, shall be and the same are hereby declared to be confirmed and valid, and of the like force and effect, and subject to the powers and conditions for payment, as if the same compositions had been made and entered into within the time limited by the said act; and every person or persons, commissioners and others, who shall may have been in any manner concerned in advising or assenting to executing such compositions, in such cases, and in such manner, under the like circumstances as hereinbefore mentioned, shall be, they and every of them are and is hereby fully and effectually indemnified for so doing."

Sect. 2. "That in every case wherein the said respective commissioners have received any offer to compound after the said thirty-first day of October, and on or before the said thirtieth day of November, 1819, and may not have completed the contracts of composition by the passing of this act, it shall be lawful for the said respective commissioners, being satisfied that the party so offering to compound were entitled to compound before the day limited by the said act as aforesaid for that purpose, and they are hereby authorized and required, to enter into composition with such person or persons respectively, according to the provisions of the said act, and of this act; provided the certificates of such compositions respectively shall be executed by the said commissioners and the party so compounding on or before the thirty-first December, 1820; and which certificates of composition, when executed by the said commissioners or any two or more of them, and by them aforesaid, in the manner by the said act directed, shall be of the like force and effect, and subject to the like powers and conditions for payment, to all intents, as if the said composition had been entered into within the time by the said act limited as aforesaid; anything in this contained to the contrary notwithstanding."

Sect. 3. "That where any person or persons assessed in the year ending on the fifth day of April, 1819, for a carriage or carriages with four wheels, as described in the schedule marked (D.) No. 1, of the acts relating to assessed taxes, shall have entered into composition for the same under the said act, or shall enter into composition for the same under this act, and not for a carriage with less than four wheels, as described in the schedule marked (D.), No. 2, of the said acts, it shall be lawful for such person or persons to set up, keep, and use, during the period of three years, limited by the said act of the fifty-ninth year aforesaid, such carriage or carriages with less than four wheels, free of duty; where any person or persons shall in like manner have been assessed and compounded for any such carriage or carriages with less than four wheels, and not for any such carriage with four wheels, it shall be lawful for such person or persons to set up, keep, and use, during the like period of three years, any such carriage or carriages with four wheels, free of duty; where any person or persons shall have been so assessed for any servant as described in the schedule marked (C.) No. 1, of the said acts, and shall have compounded for the same under the said act of the fifty-ninth year aforesaid, or shall compound for the same under this act, it shall be lawful for such person or persons, during the period of his, her, or their respective compositions, to retain, keep, and employ one male person or number of male persons described in any other schedule marked (C.) No. 2, or No. 3, of the said acts, free of duty; and where any person or persons shall have been so assessed in respect of a horse, mare, or gelding kept for the purpose of riding, or drawing a carriage chargeable with duty, as described in the schedule marked (C.) of the said acts, and shall have compounded for the same under the said act of the fifty-ninth year aforesaid, or shall compound for the same under this act, it shall be lawful for such person or persons, during the period of his, her, or their respective compositions, to keep any horse,

1. Of Compounding for Assessed Taxes.

1 Geo. IV. c. 73.
and, upon certificate, discharges in other districts allowed.

Compositions for houses and windows and other assessed taxes in one contract confirmed;

and commissioners to distinguish the proportions of duty by indorsement on certificate.

Contracts entered into by party, may be signed by agent.

Such contracts binding, though not signed.

In what cases such certificates void; and assessments restored.

assessments, are hereby indemnified in so doing; provided that in every case of composition to be executed after the passing of this act, two of the commissioners for the affairs of taxes shall, by their certificate, countersigned by their secretary, certify the same to the commissioners of the respective districts in which such composition shall be intended to be made, and in which the taxes shall be assessed, and upon such certificates being transmitted to the respective commissioners aforesaid, they are hereby respectively required to enter into such composition, or to vacate and discharge such assessments accordingly."

Sect. 7. "And whereas by the said first recited act, passed in the fifty-ninth year aforesaid, it is directed that the duties on inhabited houses and on windows and lights contained in the schedules marked (A.) and (B.), or either of them, in the acts relating to the assessed taxes, shall be compounded for, separate, and distinct from all and every the other duties therein mentioned, by reason that, on the removal of the person compounding for the dwelling-house in respect of which the duties in the said schedules shall have been compounded for, the composition in respect of the said dwelling-house is directed to cease and determine on the fifth day of April next after such removal: and whereas in some cases the commissioners of certain districts have allowed persons to compound for all the said duties in and by one certificate of composition, without distinguishing the said respective duties; be it further enacted, That in all such cases last mentioned it shall be lawful for any two commissioners acting for the division in which such certificate of composition shall have been entered into, and they are hereby required to certify, by indorsement on such certificate, and also in the abstracts of such compositions, the particular duties charged in respect of such dwelling-houses under the schedules (A.) and (B.) aforesaid, with the amount of the composition thereon, and to distinguish the same from the rest of the duties so compounded for, with the instalments payable on each description of duty, in like manner as if the same had been compounded for under separate certificates of composition; and the same certificates of composition shall be enforced under the powers of the said act and this act, in respect to all or any part of the respective instalments thereby payable under the provisions of the said act or this act; and all and every such certificates of composition shall be, and the same are hereby declared to be, as valid and of the same force and effect in respect to the continuance of the composition for each description of duty, and enforcing the payment of the same under the powers of the said recited act or of this act, to all intents and purposes, as if such composition for the duties on houses and windows had been made separate and distinct from the remainder of the said duties compounded for by such certificate under the provisions of the said act."

Sect. 8. "That where, by absence, sickness or other reasonable cause, persons who have given notice to compound under the said recited act passed in the fifty-ninth year aforesaid, may have been prevented from signing their respective contracts of composition, but have paid or discharged one or more instalment or instalments due thereon, it shall be lawful for him, her, or them to sign such contract or contracts himself or herself, or by any agent or agents to be appointed for that purpose by him or her, in writing under his or her hand, duly attested and certified to the commissioners acting for the district in which such composition shall be made; and the appointment or authority for such agent to sign the said contract shall be free of any stamp duty, and the same being delivered to the commissioners of the said last-mentioned district, or their clerk, shall be a sufficient authority for the agent so appointed to sign such certificate of contract; and all contracts on which any instalment shall be paid, although not signed by the party, or his or her agent, shall be binding on him or her, as if the same had been duly signed under the provisions of the said act; and in all cases where certificates of composition prepared on notices by the parties compounding under the said recited act or this act, shall not be signed by such parties or their agents,

instalment or instalments shall not be paid thereon for the space 4. *Of Compounding for Taxes.*

months after the passing of this act, such certificates of compounding for taxes shall be null and void, and the several commissioners in the Assessed districts are hereby authorized and required to restore the Taxes.

it on such persons in respect of which such certificates of composition were prepared and intended to be made, and to cause the same to be and collected to all intents and purposes as if notices of such composition had not been given by the persons so intending to compound neglecting to complete their compositions as aforesaid; and if composition, or any portion thereof, shall have been made or omitted out of the jurisdiction of the commissioners parties to the composition, then such commissioners shall certify the same to the commissioners for the affairs of taxes, with the amount of the taxes so compounded, and the district of assessment; and the said commissioners for the affairs of taxes are hereby required to certify the same to the commissioners of the district of assessment, who shall, on receipt whereof, cause the said assessments to be restored, as well for the year in which the composition was made, as for the subsequent and all future years collected together with the other assessed taxes, as if notice of composition had not been given as aforesaid."

"That, in default of payment of the respective instalments on composition entered or to be entered into under the provisions of this act or of this act, on the respective days of payment specified,

In default of payment, a schedule of arrears to be given in.

the respective certificates of contracts for such compositions, and of the respective collectors to distrain for the same under the direction of the commissioners, it shall be lawful for any such collector, hereby required immediately upon any such default in payment of an instalment, to deliver or cause to be delivered to the commissioners acting for the district in which such composition shall have been made, or to the receiver-general acting for the said duties, or

Certificates of schedule to be given in of process.

copy, a schedule in writing, containing the particulars of such composition with an affidavit subscribed and verified by such collector before the commissioner acting for the said duties, that the amount of such instalments to be contained in such schedule is or are due and payable to such collector, or to any other person for him, to the best knowledge and belief; and every such schedule, being certified in hand of the receiver-general, or his deputy, of the county or where the said arrears accrued, to the Court of Exchequer at Westminster, shall be received and taken as sufficient evidence of a debt to his majesty, and shall be a sufficient authority to the barons of the court, or any one of them, to cause process to be issued against such defaulter named in the said schedule, to levy the whole sum then unpaid by such defaulter; and the sheriff or other officer having such process shall be directed, shall without delay cause the same to be levied by due course of law, as a debt to his majesty record, with all costs and expenses attending the same, and the monies so levied, after deducting the said costs and expenses, to the said receiver-general or his deputy, and shall make the said process to the said court, according to the due course of Costs.

"That the provisions and rules contained in the schedule annexed shall severally be deemed a part of this act, as if each provision and rule had been inserted herein under a special enactment.

Rules in schedule deemed part of act.

"The SCHEDULE (A.) to which this Act refers.

OF RELIEF to Effective Members of Corps of Yeomanry Cavalry.

Case.—Every effective member of any such corps, who at the time of entering or giving notice to enter into composition for his assessed taxes under either of the said acts, or either of them, who shall not by reason of such service be assessed for any horse, mare, or gelding, in the year ending the fifth

4. Of Com-
pounding for
Assessed
Taxes.

1 Geo. IV. c. 72.

day of April one thousand eight hundred and nineteen, shall be may exercise the like privileges in keeping and using more or a mare, or gelding, free of duty, during the time he shall continue member, and shall use or provide such horse, mare, or gelding, geldings, in such service, as if such member had been assessed position for the same horse, mare, or gelding, or horses, mares payment annually of one shilling for every twenty shillings ex-empted."

"Second Case.—Every effective member of any such corps one horse, mare, or gelding, and no more, and who hath not any other article mentioned in the acts relating to assessed taxes (house excepted), may, within three calendar months after the payment into composition in respect of such one horse, mare, or gelding annually of the sum of three shillings, computed from the fifth thousand eight hundred and nineteen, during the period of such his continuing in the said corps as such effective member."

"Third Case.—Every person who hath entered or shall enter for his assessed taxes under the said act or this act, and who is shall become an effective member of any such corps, shall be entitled to exemptions for any horse, mare, or gelding used or provided by him, in the manner as if no such composition had been entered into by him; all which villages, immunities, and exemptions shall be granted and allowed, according to the following rules:—

"First Rule.—The amount of composition payable in pur- visions in the first of the said cases shall be ascertained and the commissioners acting for the assessed taxes in the same the composition shall have been made, and certified by them with indorsement on the certificate or contract of such composition thereof, and of the certificate of such effective service, as said acts relating to the assessed taxes, and which certificates shall be produced for their respective districts are hereby required and done and sign accordingly; and the sum so charged and paid of the said composition in and by such certificates, and to the shall and may be levied and recovered by the same instant manner as the amount of composition inserted in the body of said in addition thereto."

"Second Rule.—The amount to be charged in the second case shall be inserted in each annual assessment for the sum in which the exemption shall have been claimed, and shall be with, and levied and accounted for as in other cases of assessed

"Third Rule.—The respective commissioners acting in the said acts in their respective districts shall, and are hereby required, on the production of the certificate of effective service in the manner prescribed by the schedule marked (E.) in the assessed taxes, and the certificate of contract and composition or persons, by certificate under the hands of any two of the said to be indorsed on the said last-mentioned certificates, to remit the annual amount payable on such contract, but nevertheless year only in and for which such certificate of effective service produced, and such exemption shall have been acquired, a amount of duty for any such horse, mare, or gelding, horses, as in respect of which such exemptions shall have been so ac- charge the amount from the abstract of composition prepared commissioners, in like manner as they would have discharged the annual assessment for such particular year of exemption, in sitions had not been entered into; and in all cases where such have been claimed and established for and in respect of the year of April, 1830, and the instalments on such composition shall in that year, it shall be lawful for the said commissioners to cert duty so discharged by reason of the said exemption for the said year, with the amount thereof, to the commissioners for the affore of taxes; and in that case it shall be lawful for the said commissioners to order and direct the receiver-general of the county, riding, or division, in which such composition shall have been entered into, to repay the same to the party, which order shall be an authority to such receiver-general to make such payment, and the same shall be allowed in his account."

1 & 2 Geo. IV. c. 113, intituled "An Act to continue several 4. Of Com-
the Relief of Persons compounding for Assessed Taxes from an *compounding for*
assessment for a further Term, and to amend the Acts relating Assessed
ments and Compositions of Assessed Taxes," it is enacted,

*the assessments made or to be made under and by virtue of the
same, at and immediately before the passing of this act, in rela-
tion to the duties on windows or lights and on inhabited houses, and
assessments made or to be made in like manner, in relation to
any of the duties of assessed taxes as may be comprised in any
composition to be entered into under this act, for the year to end on
the fifth day of April, 1822, shall severally be and remain to the same
amount in respect of all and every the persons or person who
compound for the annual payment of the said assessments under*

*for the term of six years, in respect of the said duties on
windows and lights, and for the term of five years in respect
of her assessed taxes, to be respectively computed from the fifth
April, 1822.*

i. "That the several compositions entered into under the said acts, on the duties on windows or lights, and on inhabited houses, renewed under the provisions of this act for the term of six years, to be computed from the said fifth day of April, 1822; and the compositions entered into under the said recited acts on the other duties of assessed taxes may, in respect of such of the said other duties herein enumerated, be renewed under this act for the term of five years, to be computed from the said fifth day of April, 1822, in the same and subject to the terms, conditions, and exceptions, herein mentioned."

ii. "That every new contract of composition entered into under this act, in respect of a dwelling-house, shall contain in the body thereof the number of windows or lights in the dwelling-house, the annual rent or value thereof; and every such new contract into as aforesaid, in respect of the other duties of assessed taxes, shall contain in the body thereof the number of servants, carriages, and other articles of each such establishment, as aforesaid; and several contracts shall be made according to the form set forth in due to this act, *mutatis mutandis.*"

4. "That no composition shall be entered into or renewed under this act for any duty or duties of assessed taxes, other than the duties on inhabited houses mentioned in the schedules of an act passed in the forty-second year of the reign of his late majesty, marked (A.) and (B.); and for the duties of assessed taxes on the following articles, forming the instruments of the persons or person so compounding, and retained, used, kept, and used for their, his, or her own use, and not for or to benefit, or profit of any other person or persons, or to be lent or given; viz., the duties on servants mentioned in the schedule of the act, and in the schedule of another act, passed in the fifty-second year of the reign of his said late majesty, marked (C.) No. 1, and No. 2; and on horses mentioned in the schedules of the said acts respectively, (D.) No. 1, No. 2, and No. 4; on horses, mares, and geldings, mentioned in the schedules of the said acts respectively, marked (E.) No. 1, No. 3, and (F.) No. 1, whether such horses, mares, or geldings are to the rates mentioned in the said acts, or to any reduced duty by a subsequent act or acts; on dogs mentioned in the schedule of the act, marked (G.); on persons in respect of using or wearing hair-

mentioned in the schedule of the said act, passed in the forty-second year of his late majesty king George the Third, marked (I.); and on persons in respect of using or wearing armorial bearings or ensigns, mentioned in the schedule of the said last-mentioned act, marked (K.); any such composition which shall comprise any other duty or duties not duties enumerated shall be void and of no effect in respect of her duties, and for which the parties shall be subject to assess-

1 & 2 Geo. IV.
c. 113.

Assessments for
year ending 5th
April, 1822, to
remain at same
amount, if com-
pounded for, in
respect of matters
herein mentioned.

Compositions
under former acts
may be renewed,
subject as herein
mentioned.

Contents of new
contracts of com-
position.

Enumeration of
articles to be com-
pounded for under
this act.

4. Of Compounding for Assessed Taxes.

1 & 2 Geo. IV.
c. 113.

Persons assessed to duties on houses for year ending the 5th April, 1822, may compound on amount assessed in that year, paying an additional duty of 5*l.* per cent.

Exception as to taxes in respect of articles kept for trade, &c.

Compositions for duties on dwelling-houses to be renewed on same terms.

Compounders on the other assessed taxes may renew the same, with a further duty of 5*l.* per cent.

Persons desirous of continuing their former compositions, to deliver their contract or copy, with notice, before the 5th of April, 1822; and insert schedule of articles not to be compounded for.

ment as if no such composition had been entered into, according to laws in force relating to such assessments."

Sect. 5. "That all and every the persons or person not compounded under the said recited acts, who shall be duly assessed under the said acts, on the fifth day of April, 1822, to the rates and duties assessable under the acts relating to assessed taxes, are and is he to be competent to compound for the rates and duties assessed on his, or her dwelling-house for the term of six years, and for her other assessed taxes herein enumerated, for the term respectively, to commence from the said fifth day of April, same amounts annually, as shall be assessed on them, him, or her, year ending on the said fifth day of April, 1822, together with an additional annual duty of 1*s.* for every 20*s.* of the respective amounts assessed, and so after that rate for any greater or lesser sum as not to include in the said additional duty any fraction of

Sect. 6. "That no composition shall be entered into or registered under this act with any person in trade, in respect of any article used for the purpose of trade; nor shall any composition be entered into or registered under this act with any person whose assessment charged upon two or more persons in partnership, nor shall any composition under the said recited acts, with partners in trade, be renewed under this act; nor upon a horse, mare, gelding, or other articles let or used for hire.

Sect. 7. "That all and every persons or person who shall have compounded for the duties on their, his, or her dwelling-house, and lights, under the said recited acts, continuing to reside in the same dwelling-house, and is hereby declared to be competent to renew their, his, or her position under this act, for the same dwelling-house, on the same terms and conditions as are expressed in their, his, or her former composition."

Sect. 8. "That all and every persons and person, except as is excepted, who have or hath compounded under the said acts any of the other duties of assessed taxes herein enumerated, and is hereby declared to be competent to renew their, his, or her position, as to so much and such part thereof as relates to the articles herein enumerated, on the amount of duty charged on the same articles, and comprised in the said former compositions, together with the additional rate of duty of five per centum therein in respect of the said articles, which several sums and aggregate amount on which any such composition under this act is to be renewed; and the terms and conditions of such renewal shall be the same as those of the original composition, with an additional duty of 1*s.* for every 20*s.* of the said aggregate amount, and so after that rate for any greater or lesser sum than 20*s.*, so as not to exceed the fraction of 1*d.* in the said further duty; and the duties of the articles herein enumerated nor compounded for as aforesaid shall be assessed as if this act had not been made."

Sect. 9. "That all and every person or persons who are declared to be competent to renew his, her, or their former compositions under this act, and shall be desirous so to do, shall, on or before the fifth day of April, 1822, in England, and on or before the tenth day of April in Scotland, deliver or cause to be delivered to the commissioners of the district in which such person or persons reside, or to the clerk of such commissioners, the contract or copy of their former composition, or a true copy or certificate thereon, in the hands of any two of the commissioners acting for the division, in which such contract was entered into, annexing thereto a notice in the form in the schedule to this act annexed, declaring his, or her intention to renew the same; and in case the said composition does not include any articles not to be compounded for under this act, then and in every such case the person or persons desirous of renewing his, her, or their composition, shall insert in the same a schedule of the number of articles contained in such composition."

state for the distribution of estates of intestates, or by mar-
bath thereupon retained any servants, carriages, horses, or
which may be comprised in any composition to be entered
wed under this act, or hath kept any servants, carriages,
ther articles aforesaid, of the same description and charge-
ks duties by the acts relating to assessed taxes, to an extent
a total amount of such composition in the sum of twenty-five
aliu and in the place of the like articles kept by the person so
y part thereof : provided, that nothing herein contained shall
! to authorize the said respective commissioners to contract
val of any composition, under the terms and conditions last
ioned, with any person who shall have compounded under
ited acts on a less amount of duty than ought to have been
such composition ; but nevertheless it shall be lawful for the
o commissioners in every such case, after any such person
ade a *bond fide* return of the greatest number of servants,
rves, and other articles of his or her assessed taxes, according
it force relating to the said taxes, for the year to commence
a day of April, 1822, in order to an assessment thereon for
d who shall be duly assessed for that year to his or her
z, to contract and enter into composition *de novo* with such
a amount assessed for that year on him or her, in respect of
eirin enumerated, together with the additional duty hereby
e amounts of other assessments compounded for under this
but may contract
de novo, on next
year's assess-
ment.

The like as to persons who have compounded on a less amount of duty than ought to have been included.

*That all and every persons or person assessed to the duties or her dwelling-house, for the year ending the fifth day of Persons assessed
and increasing
windows;

4. Of Compounding for Assessed Taxes.

1 & 2 Geo. IV.
c. 112.

also persons removing into a dwelling-house, and not assessed there, may compound on assessment for succeeding year.

Persons beginning to keep, or increasing an establishment in 1821, may compound on assessment of the succeeding year.

Proviso for exclusion of articles discontinued and ceased to be kept.

Renewed composition not to extend to articles of a different description from former composition.

Composition for additional articles.

April, 1822, and who shall have opened or made, or shall open or any additional windows or lights in the same, after the fifth day of 1821, and having made such addition as aforesaid, who shall deliver statement as hereinafter required, of the number of windows or opened or made in their, his, or her dwelling-house, after the said day of April, 1821; also, all and every persons or person who shall removed or shall remove from their, his, or her dwelling-house, at time within the year ending the fifth day of April, 1822, and shall be assessed for that year for the dwelling-house into which they, she shall have removed during that year, but who shall deliver ament as aforesaid, of the number of windows or lights in such dw house, and the rent or annual value thereof at which the same is liable to the said duties, are and is hereby declared to be respectively competent to compound for the said rates and duties on the amount chargeable on such dwelling-house in or by such assessment as shall be made thereon, for the year commencing from the fifth day of 1822."

Sect. 13. "That all and every persons or person who shall have to keep, use, or employ any servants, carriages, horses, or other before enumerated, or any additional number thereof, in the year on the said fifth day of April, 1822, and who shall deliver a statement hereinafter is required, of the number of servants, carriages, horses other articles aforesaid, so that an assessment may be duly made for the year to commence from the fifth day of April, 1822, are hereby declared to be respectively competent to compound under on the amount charged in and by such assessment to be made in said year, to commence on the said fifth day of April, 1822, on the terms and conditions as if the said persons or person had been so assessed for the preceding year."

Sect. 14. "That nothing in this act contained shall be construed to extend any composition under the same to any part of any inc establishment set up by any person or persons who hath or have compounded under the said recited acts, which shall, in pursuance of the recited act of the fifty-ninth year of his said late majesty, or any act, be discontinued and ceased to be kept in the manner provided in said act, and which would not have been assessable on the said person on the year to commence after the fifth day of April, 1822."

Sect. 15. "Provided also, that nothing in this act contained shall be construed to extend any renewed composition under the same, to articles of a different description than is authorised by the composition entered into under the said recited acts, which shall have been set up since the making of the said composition, but every such article shall be assessed for the said articles, as if the said former composition had not been renewed; but nevertheless it shall be lawful for any person who shall have been assessed for the said additional articles in the year ending the fifth day of April, 1822, or shall be assessed in the same for the subsequent year, and who shall renew his or her former composition, also to compound for the said additional articles, a amount of such assessment, and the additional rate granted by this act by entering into a separate contract for the said articles so assessed."

Sect. 16. "That all and every persons or person who shall have compounded under the said recited acts for the articles of their, or her establishment, and shall have removed from the division where their former composition was entered into, and who shall be desirous to renew their or his or her composition under this act, in respect of the same establishment, shall deliver to the commissioners of the division where they, he, or she shall reside, the contract of their, his, or her former composition, or a true copy or certificate thereof, under the hands of any two of the commissioners entering into the said contract annexing thereto a notice according to the form in the schedule to this act annexed, declaring his, her, or their intention to renew the

all then be lawful for the said commissioners to renew the 4. Of Com-
pounding for the provisions of this act, in like manner as if the compounding for
her composition had been entered into by the commissioners Assessed
vision where the same is intended to be renewed."

1 & 2 Geo. IV.
c. 113.

Compounders en-
titled to the like
privileges as un-
der former acts.

7. "That all and every persons or person entering into any com-
pounding for at the times and in the proportions and
specifications in the said recited acts and in this act, and doing
among all other acts, matters, and things required by the said
acts and this act, shall be entitled to the like privileges of
making, or keeping open, free of duty, after the fifth day of
April, 1822, any additional number of windows or lights in the dwelling-
house comprised in their, his, or her contract of composition, or of setting
up and keeping, using, or employing, after the said fifth
April, 1822, any additional article or articles composing their,
or establishment, to and for their, his, or her own use, but
twice, as the persons compounding under the said recited acts
are entitled to according to the provisions of the said acts, or
of them, and not otherwise provided by this act; and shall be
free from all assessments on such additional windows or lights,
or additional article or articles of their, his, or her establishment,
in the respective terms mentioned in such composition: provided Exceptions.
that no persons or person who shall compound under this act
be on any carriage with two wheels, and not on any carriage
with two wheels, shall be entitled to set up, keep, or use any carriage
with two wheels free of duty: provided also, that no person who shall
keep for any dog or dogs other than hounds, shall set up or keep
any hound or hounds; nor shall any person who shall com-
pound any less number of hounds than ten, set up or keep free of
any additional number of hounds: provided also, that the privileges
in this clause mentioned shall not extend to any dwelling-
house comprised in the said composition, nor to any article or articles
of establishment, specially excluded by this act from every compo-
sition made under the same, in which excepted cases further or
other charges shall and may be made, and the fines, penalties, and
incurred under any of the said acts relating to assessed taxes Penalties, &c.
may be sued for, prosecuted, and recovered according to the how sued for.
of the said several acts, as fully and effectually as if no such
composition had been made under this act."

"That the compositions to be entered into under this act for
on windows or lights, or on inhabited houses, although en-
tered into under the same contract, shall be deemed and construed to be separate
contracts from the compositions entered into in respect of the
servants, carriages, horses, or other articles aforesaid, which
are compounded for under this act; and every such composition for
on any dwelling-house, in respect of the windows or lights, or
of the house, shall be entered into by and with the commissioners
of the parish or place where such dwelling-house shall be situate,
wherever; and every such composition in respect of the servants, carriages,
horses, or other chargeable articles, forming the establishment
of any persons or person in any part of England, shall be entered into
under the same commissioners, and in one contract; and the like
composition in Scotland shall also be entered into by and with the same
commissioners, and in one contract: provided, that all and every persons
who shall be assessed for any servants, carriages, horses, or
other chargeable articles aforesaid, for the year ending the fifth day of
April, in two or more places in Great Britain, or who shall be
assessed for any servants, carriages, horses, or other chargeable
articles aforesaid, for the year ending the fifth day of April, in
a different place than where they, he, or she, be entitled to com-
pound under this act, shall and they are hereby respectively required to
cause to be delivered to the commissioners to whom such ap-

Compositions on
houses, &c., al-
though in same
contract, deemed
distinct composi-
tions.

Compositions on
the other assessed
taxes one con-
tract.

Scotland.

Provision for per-
sons assessed in
two or more
places; or who
have compounded
in a different di-
vision from that

4. Of Compounding for Assessed Taxes.

1 & 2 Geo. IV.
c. 113.

where they are entitled to renew.

Scotland.

Compositions on houses may be compounded for separately, and so may other taxes.

Compounders not liable to penalties of assessed tax acts.

Exceptions.

Persons not compounding occupying houses or keeping articles compounded for by other persons, liable to duty.

Treble duty in cases of fraud.

plication to compound shall be made, a certificate or certificate in hands of the respective surveyors of the districts where the same shall be so assessed or have compounded under the said composition containing the particulars of such assessment or composition and such other division or place, according to such forms as shall be prescribed by the commissioners for the affairs of taxes, pursuant to the every composition entered into or renewed contrary to the purposed before mentioned, shall be vacated and made of no effect, by the commissioners for the affairs of taxes, as to compositions in England, and of the barons of the Exchequer in Scotland, as to compositions made in Scotland, on due proof before them by like certificate of such assessment for the said year, or of any composition under the recited acts, which respectively shall not have been certified by the commissioners, parties to any such composition, nor comprised therein it shall be proved to their satisfaction respectively, that the same was by error or mistake; in which cases the said barons and commissioners for the affairs of taxes respectively may consent that a new composition shall be entered into, to take effect from the fifth day of April, provided always, that nothing herein contained shall be construed to exclude any person from compounding for the duties on the house, without compounding for his or her other assessed taxes *versus.*"

Sect. 19. "That all and every persons or person compounding under this act, shall be freed and discharged from all penalties contained in the said acts relating to assessed taxes, and persons for non-performance of any matter or thing required by the said act or acts to be done by persons chargeable to the duties therein, during the term herein limited, save and except that person who, in his or her returns, made under the acts relating to assessed taxes, shall conceal any servant or servants, carriage horse or horses, or other article or articles herein enumerated, he or she shall have escaped assessment for such servant, carriage servants, carriages, or horses, or other article or articles aforesaid, for the year ending the fifth day of April, 1822, or who in his or her lists, and declarations, to be delivered under this act, shall conceal such article or articles aforesaid, so that he or she shall not be liable to the like penalty as if such person had not compounded under this act, and had continued liable to assessment under the laws relating to assessed taxes."

Sect. 20. "That if any person who shall not compound under this act, shall, from and after the fifth day of April, 1822, occupy a dwelling-house, or retain or keep for his or her own use any article with any duty under the acts relating to assessed taxes, which has been compounded for by any other person or persons, or which has been taken up, retained, used, employed, or kept by such other person under their, his, or her composition, or under colour or pretence of the same dwelling-house or other article or articles aforesaid, to belong to the person or persons so compounding, and which has been compounded for by the person so occupying the said dwelling-house, or retaining, using, employing, or keeping the said article as chargeable as aforesaid, nor under his or her composition, or by the person so occupying any dwelling-house, or retaining, using, or keeping for his or her own use any such article as aforesaid, liable to an assessment in respect of the said dwelling-house, at the time of his or her occupation thereof, and also in respect of any article or articles aforesaid, in like manner and to the like amount, as if the same dwelling-house or article or articles had belonged to him as if no composition had been made by such other person, and on due proof before the commissioners that the same has

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pounding for
Assessed
Taxes.**

1 & 2 Geo. IV.
c. 113.

so in case of com-
ing into posses-
sion by marriage.

riages, horses, or other articles aforesaid, than hath been compounded by him, the duties on which increased number, according to the acts relating to assessed taxes, amount unto one fourth part of the duty so compounded for, then and in every such case the composition entered into under this act, by any persons or person herein described, shall respectively cease and determine at the end of the year of assessment, according to the acts relating to assessed taxes, in such increase of his or her establishment took place; also, if he shall intermarry after entering into any composition or composition entered into under this act, and entered into by both or either of them, and the husband by such marriage come into the possession, or to the use or enjoyment of the rents or profits of any estate, real or personal, belonging to him before marriage, whether upon such marriage the husband shall have any interest in law or equity in such estate or not, or whether the estate shall remain in or be vested to the sole use of the wife in case the husband shall upon such marriage retain or keep any other carriages, horses, or other articles herein enumerated, kept by or to his wife before marriage, or in case the wife shall after such marriage retain her former establishment, or any part thereof, or in case the husband or wife shall upon such marriage begin to keep any other carriages, horses, or other articles herein enumerated of the same value, and chargeable to the like duties, by the said acts relating to assessed taxes, in lieu and in the place of the establishment existing before marriage, or any part thereof, or so that the separate establishment of either husband or wife, or their joint establishment, would be assessable on the husband, if no composition had been entered into in every such case the composition entered into under this act by persons, or either of them, so intermarrying and keeping any establishment as aforesaid, shall respectively cease and determine at the end of the year of assessment in which such increased establishment shall be kept; but, nevertheless, it shall be lawful for the respective commissioners in every such case, after such person shall have made return of the greatest number of servants, carriages, horses, and articles of his or her establishment charged with any duty or taxes according to the laws in force relating to the said taxes, to contract next after the determination of such composition, in order to pay the same to the commissioners for that year, and who shall be duly assessed for his or her assessed taxes, to contract and enter into composition novum, with any such person for the remainder of the term then to unexpired on the amount so assessed on him or her for that year, with the additional duty hereby granted on the amounts of other compositions to be compounded for under this act."

Proviso for com-
position *de novo*
for remainder of
term.

Commissioners,
&c. under the
former compo-
sition acts, to act
in execution of
this act.

Sect. 25. "That the several persons who for the time being commissioners for putting in execution the acts relating to assessed taxes shall be commissioners for putting in execution this act, and the persons here referred to or contained, in all and every the respective ridings, divisions, shires, and stewartries, cities, boroughs, and towns, and places in Great Britain; and the several assessors, surveyors, inspectors, and inspectors-general for the time being appointed or to be appointed to put in execution the said acts, respectively be assessors, collectors, surveyors, inspectors, and in general to put in execution this act within the limits of their respective divisions, districts, and places to which they are or shall be appointed, and the respective commissioners and other persons authorizing the said recited acts to contract and agree for such compositions or perform any other matter or thing for carrying the said acts into execution, shall severally and respectively contract and agree for such compositions to be entered into under this act, and do and perform all other matters and things as are required to be done and performed in the execution of this act, within the limits of their respective jurisdictions."

and all the powers and authorities given and granted to them by or to the said several corporations, and they are hereby declared to be continuing for several and successive terms during the respective terms herein limited. Annual meetings, and other meetings as if the same powers and authorities thereto.

it severally be applied
a act, as part thereof, in
only given, granted, and
more and others before-
to do and perform all
a, in the like and in as
in are, or were, or were
cited acts."

1420. M.
c. 115.

Provisions of the
new competition
acts to remain in
force.

Directions, rules, regulations,
and in the said recited
actions made under the
respectively be construed
entitled into under this
law, rules, regulations,
and in and by this act
recited in ascertaining
such, and the additional
leaving all other matters
execution, and shall be
, as part thereof, in like
and expressly applied to
decrees, directions, rules,
are substituted by this
, regulations, methods,
acts, the same respect-
such manner, and to the
is and this act had been
brought and made void
hereof any part or parts

Sect. 27. "That where the said recited acts contain any period or limitation of time for the doing or performing of any act, matter, or thing therein required, the powers and authorities of the said acts shall be used and practised for the doing and performing the like acts, matters, and things required by this act, observing therin the period or limitation of time expressed in this act."

So with respect to
limitation of time.

Sect. 28. "That all and every persons or person who are or is hereby declared to be competent to compound under this act, and shall be desirous so to do, shall, on or before the fifth day of April, 1822, in England, and on or before the term of Whitsunday in the same year in Scotland, deliver or cause to be delivered, free of charge, to the surveyor of the respective districts acting for the parishes or places where such persons shall respectively reside, a notice in writing according to the form in the schedule to this act annexed, declaring their, his, or her intention to take the benefit of this act, which notice shall be signed and bear date on the day of such signature by such person or persons (or by some authorized agent on their, his, or her behalf, residing in such district, and declaring therein the place of his residence), in the presence of one or more of the assessors or collectors of the said duties for the same parish or place where the persons or person intending to compound shall reside, or in the presence of such surveyor, who respectively shall attest such signature by signing the same with his proper name; and every such notice shall contain the number and description of the articles on which such persons or person shall intend to compound, which notices shall be in the form in the schedule to this act annexed; and all such notices shall and may be retained in the hands of the said surveyor respectively, until the expiration of two calendar months after delivery thereof; and every such surveyor shall

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pounding for
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1 & 2 Geo. IV.
c. 113.

his satisfaction
with or objection
to notice.

Compositions
contrary to this
act void.

Errors in compo-
sitions may be
amended.

Commissioners to
insert in annual
duplicates of as-
sessed taxes, the
amount of duty
compounded for.

Composition to be
paid to collectors
of places men-
tioned in con-
tracts.

carefully and diligently inspect and examine each and every and each and every contract of composition entered into recited acts, relating to the person or persons so applying and also the notice or notices delivered by the said person under the said recited acts, to discontinue any increased est up under such contract or contracts, or any part thereof; examination thereof, every such surveyor shall from time to the said period of two calendar months, deliver the same to certify to the respective commissioners authorized by this for such compositions for the parishes or places where such shall have been made, either his satisfaction with the notice such cases, or his objection thereto, together with the particular articles omitted, and the amount of duty on which such composition to be made; and no composition shall be entered into in any objected to, until a full and complete return shall be made of the articles chargeable with duty, on which the composition made under the provisions of this act; and every composition contrary to the provisions of this act shall be void and of the persons or person entering into the same shall be liable according to the provisions of the acts in force relating to as if no composition had been entered into, and to the respective surveyors, to be made under the authority and provisions of the said last-mentioned acts."

Sect. 29. "That in every case where, by any error or mistake of amount of duty on which the persons or person compound, or the additional rate thereon, shall not be due calculated in the contract of composition, it shall be lawful for the commissioners for the affairs of taxes, and the said barons by certificate under the hands of any two or more of their the commissioners of the division by whom such composition to cause the same to be amended, or a new contract made in such manner as may seem to them expedient to obviate mistake, and conformable to the true intent and meaning of the said respective commissioners to whom such certificate directed, shall cause the same to be amended accordingly."

Sect. 30. "That from and after the passing of this act, commissioners acting in the execution of the several acts assessed taxes, and of the acts relating to the several compositions, shall cause the several amounts of the duties compounded the additional duty charged by this act, in each parish, within their respective divisions, to be inserted in their annual assessments of assessed taxes, on parchment, in such form as the commissioners for the affairs of taxes shall devise, in like manner as the same amounts had been severally charged by assessment, at the respective amounts payable in each parish, ward, or place, the names of the collectors of the same parish, ward, or place several collectors in each parish, ward, or place may be at the same amounts as if the same had been to be raised under the said acts."

Sect. 31. "That the monies to arise and become payable the compositions entered into or renewed under this act, shall and paid to the collectors of the respective parishes, was mentioned in the respective contracts of such compositions them, at or before such times respectively as are herein expressed in such contracts; and that all the powers and the acts relating to assessed taxes for the raising, levying, paying, and accounting for the duties of assessed taxes, shall be applied, and enforced for the raising, levying, paying, and account the monies to arise under this act, as if the same had been assessment; and that the persons assessed, or who shall be in each such parish, ward, or place, shall be severally answerable

Persons com-
pounding, an-

with the respective persons charged therewith, either to such collector, or to any other person or persons for such collector or, to the best of his or their knowledge and belief, which oath the receiver-general, or their respective deputies, are hereby respectively directed and required to administer and subscribe; and it shall be the respective receivers-general, or their respective deputies, and hereby required, forthwith to certify the same to the Court of Westminster, in order that process may thereupon be issued to defaulter without delay."

1. "That in default of any such schedule being delivered to any
ward, or his deputy, at such his receipts as aforesaid, or within
of three days thereafter, every such receiver-general, or his
the same time that he shall certify the default of the collectors
delivery of schedules under any acts relating to assessed taxes,
id by the same certificate, and every receiver-general is hereby
by himself or his deputy, to certify also to the said Court of
, the amount of the monies to arise by the said compositions
ing unpaid, to the best of his knowledge and belief, and the
ward, or place, and the division, where such failure hath
together with the names of the collectors of the said parishes,
places."

Collectors in default for non-delivery of schedules, to be certified to the Court of Exchequer.

"That from and after the passing of this act, every certificate and of any receiver-general or his deputy, of any default of any collectors of the assessed taxes, or of the monies arising from under the said recited acts or this act, for non-delivery of a directed by the said acts or this act, shall be a sufficient authority of the said court, or any one of them, to cause process to be issued out of and from the office of the king's proctor of the said court, against the said collector or collectors; writ, the sheriff or other officer to whom the said process shall shall levy issues after the rate of 1*s.* for every 20*s.* of the sums unaccounted for by the said certificate, and shall pay the same, after deducting the costs, charges, and expenses, to be allowed by the commissioners for the affairs of taxes, to the general or his deputy; and the said sheriff shall make immediate

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1 & 2 Geo. IV.
c. 113.

Composition monies to be paid into consolidated fund.

Proviso for butchers in certain cases.

Provisions of act may be extended to Ireland.

Schedule annexed deemed part of act.

or which, after the passing of this act, shall be recovered, levied or received under the said acts or this act, shall be paid by all sheriffs, sheriffs, or other the person or persons having received or recovered who shall receive or recover the same respectively, into the hands receiver-general of the said duties and compositions, or to his deputy for the county, division, city, or place within which such fines, issues, and forfeitures, or shares thereof, respectively have arisen have been received or levied, or shall arise and be received or within ten days after they respectively shall receive any order or purpose under the hands of any two or more of the said commissioners for the affairs of taxes, or to such other receiver-general of the assessed taxes, or compositions for assessed taxes, to be named in order, as the said commissioners last mentioned shall direct."

Sect. 36. "That all the monies arising by compositions entered under the said recited act or this act, (the necessary charges of raising accounting for the same excepted,) shall from time to time be paid into the receipt of his majesty's Exchequer at Westminster, to the account of the assessed taxes in Great Britain, and shall be carried to and made up the consolidated fund of the United Kingdom of Great Britain and Ireland."

Sect. 37. "That from and after the fifth day of April, 1821, no longer than the said recited acts contained shall extend, or be construed to except deprive any butcher of any exemption for or on account of one or more parts of his trade which he may be used by him or his servant or servants solely for the purposes to which exemption such butcher would have been entitled under any acts relating to assessed taxes, in force previous to the passing of this act."

Sect. 38 enacts, that the Treasury may direct the extension of provisions of this act, for relief of persons in Ireland compounding for assessed taxes for further periods, in the manner therein mentioned.

Sect. 39. "That the schedule hereunto annexed shall be deemed part of this act, as if the same had been inserted herein under a special provision: provided always, that it shall be lawful for the commissioners of this act to use the said form as well where the composition shall consist of all the duties therein mentioned, or a part or parts thereof, only reserving all such part or parts thereof as may not relate to the duties intended to be included therein."

"The SCHEDULE to which this Act refers.

" No. I.

"NOTICE to be used by Persons desirous of Compounding for their Assessed Taxes.

" To _____, surveyor, acting for the parish of _____, in the division of _____, in the county of _____, and to the commissioners acting for the said division.

" Take notice, that I am [or, we are] desirous of compounding for my taxes under the powers, conditions, and provisions of an act passed in the year of the reign of George the Fourth, on _____ dwelling-house or establishment in the said parish of _____; the particulars of which are as follows:

Dwelling-House situate in the said parish . . .	{ Number of Windows Amount of Rent . . £

<i>Articles included in former Composition.</i>	<i>Nos.</i>	<i>Duty.</i>
<i>Persons in employ charged under Schedule (C.), No. III. Do. (C.), No. IV. Schedule (D.), No. III.</i>		
<i>Articles kept for the purpose of trade, charged under Schedule (D.), No. V. Do. (D.), No. VI. Do. (E.), No. II. Do. (F.), No. I. Do. (H.)</i>		

" Signed, the day of 18 .

" Witness,
" Amisor or collector of the }
" parish of . }

" No. III.

" NOTICE to be used by Persons entitled to Compound on a lesser Establishment than is comprised in their former Composition.

" To , surveyor, acting for the parish of , in the division of in the county of , and to the commissioners acting for the said division.

" Take notice, that I [or, we] have, before the sixth day of April [1821], laid down , part of establishment, on which have compounded under the act of 59 Geo. III., enumerated in the following schedules, and

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pounding for
Assessed
Taxes.

desirous of compounding for the reduced establishment now kept by
on which compounded, also enumerated in the said schedule.

ESTABLISHMENT laid down since the former Composition.

—	No. ceased to keep before the 6th April, 1821.	Rets and no
Servants	Schedule (C.), No. I.	
Servants	Schedule (C.), No. II.	
Four-Wheel Carriages .	Schedule (D.), No. I.	
Two-Wheel Carriages .	Schedule (D.), No. II.	
Taxed Carts . . .	Schedule (D.), No. IV.	
Horses for Riding . . .	Schedule (E.), No. I.	
Race-Horses	Schedule (E.), No. III.	
Dogs	Schedule (G.)	
Hair-Powder	Schedule (I.)	
Armorial Bearings . . .	Schedule (K.)	

And that will attend to execute and receive the contract of
sition when required by the commissioners.

" Signed, the day of , 18 .

" Witness,

" Assessor or collector of the }
above-named parish." }

" FORM of Contract of Compositions under the Act of the 2nd Ge

	Amount of Duties.
Windows Number	}
Rent Amount £	———
Total Amount of Duties	———
Composition Duty of £5 per Cent.	———
Total Amount of Composition	———
 ESTABLISHMENT.	
	Amount of Duties.
Nos.	Scheduled.
Servants (C.), No. I.	———
Servants (C.), No. II.	———
4-Wheel Carriages (D.), No. I.	———
2-Wheel Carriages (D.), No. II.	———
Taxed Carts (D.), No. IV.	———
Horses for Riding (E.), No. I.	———
Race-Horses (E.), No. III.	———
Dogs (G.)	———
Hair-Powder (I.)	———
Armorial Bearings (K.)	———
Total Amount of Duties	———
Composition Duty of £5 per Cent.	———
Total Amount of Composition for Establishment	———
Ditto for House	———
Total Amount of Composition	———

Know all men, that we, two Commissioners acting in the execution of our trust in relation to assessed taxes, of , in the county of , tractored and agreed with the said division, in pursuance of an act passed in the second year of King George the Fourth, for the composition of taxes, as stated in the margin, at the additional rate.

Which several amounts are to be paid by the collectors of the said instalments; viz.

1st instalment, on or before the day of October.

2nd instalment, on or before the day of April.

And so yearly during the term of six years and five years, from the day of April, 1822, mentioned in the said act.

"The condition of the above composition is, that the above named cause to be paid, to the collectors for the said parish, or one of them, on or before the day of , by two instalments, in even sums, upon demand, or his receipt in writing for the same; otherwise the said composition shall be void, and the goods and chattels of the said parish, or sued for and recovered by any of the commissioners by which the monies due on assessments may be sued for and recovered.

"Witness,

" Clerk.

" Witness,

" Clerk.

"N.B.—With the consent of the commissioners, the collector of the parish may sign the party to the contract."

} Commissioners of the

The party hereto."

By the 3 Geo. IV. c. 50, s. 1, intituled "An Act to extend the Period allowed to Persons compounding for the Assessed Taxes, and to give further Relief in certain Cases therein mentioned," after reciting, that "Whereas by an act passed in the first and second year of the reign of his present majesty king George the Fourth, intituled 'An Act to continue several Acts for the Relief of Persons compounding for Assess-

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3 Geo. IV. c. 50.

Notice of objection.

Commissioners to contract for renewal of composition.

Claims for relief to be indorsed on contract.

Statements required under former act to authorize compositions to the house and window duty for 1822, in cases of removal, to contain number of windows chargeable for 1821.

Contracts of composition contrary to act, void.

Amending contracts.

Persons authorized to compound may include stewards, &c., and occasional servants employed in taxable capacities.

the said notices delivered in such cases; and in case the object to any such claim, he is hereby required to give no writing to the respective commissioners, and his objections to pursuance of such notice, be heard upon appeal before the commissioners, subject to such rules and regulations as are directed to be heard and determined under the several acts assessed taxes."

Sect. 3. "That in all claims to be allowed by the said commissioners, acting in the execution of the said acts and of cases herein provided, it shall be lawful for the said commissioners they are hereby authorized and required, to contract with persons, under the said recited act, for a renewal of his, her position, exclusive of the said additional duty by the said and where any claim shall be made and allowed under this contract made and entered into before the passing thereof, lawful for any two of the said respective commissioners, and to required, to certify under their hands every such allowance of such contract, without erasing the said additional duty thereof; and all and every such contracts so indorsed shall be and effectual for enforcing the same to the amount of the consideration and instalments by virtue of such indorsement as if the said contracts had been originally entered into within therein the said additional or further duty."

Sect. 4 contains an exemption from horse duty for farrally riding a husbandry horse. See *ante*, 142.

Sect. 5 contains an exemption for farmers occasionall bandry horses to hire, &c. See *ante*, 142.

Sect. 6. "That the windows to be returned in each statement were intended by the said last-mentioned act to be, and shall be the number on which an assessment hath been made, or might have been made thereon, if the same had been then occupying the dwelling-house mentioned therein on the sixth day of April, 1822, according to the law of England, and the assessed taxes in force at the time of making the said statement, containing a less number of windows than were chargeable on the dwelling-house mentioned therein on the sixth day of April, 1822, the statement shall be delivered within two calendar months of the passing of this act, conformable to the declaration and enactment contained in the said act, and it shall be lawful for any person or persons before whether such statements have been before delivered or such statements within the said period, according to which shall be made on the number of windows comprised therein in contracts of composition made, or to be made, contrary to the said act, and of no effect: provided that the commissioners already executed any contract of composition upon statement contrary to this act may amend the same without executing contracts, by indorsing thereon the number of additional windows and percentage, on every such contract."

Sect. 7. "That it shall be lawful for every person comprising his, her, or their composition, or to compound under the said act, or this act, to include in such composition, renewed or respectively, the duty in respect of any clerk, or of any overseer, or manager, or of any male person described in the said act passed in the fifty-second year of the reign of his late Majesty, in the said act mentioned, marked (C.) No. 3, such male person occasionally employed in any of the capacities enumerated in the said act marked (C.) No. 1, as in the said schedule described: provided, nevertheless, that the composition of the person so renewing his, her, or their former composition, or shall contain the duty for one such servant chargeable in the

Taxes, Assessments, &c.

such compositions, duties, and monies aforesaid, as part
of this act."

"Schedule to which this Act refers.

- c. 40. "NOTICE to be used by Persons not having increased th
under former Compositions, and claiming, on Renewal, E
additional Duty of 5*l.* per centum.

"To , surveyor, acting for the parish of ,
, in the county of , and to the commissioners
said division.

"Take notice, that I am [or, we are] desirous of renewing
position for assessed taxes, under the powers, conditions, and
acts, passed in the second and third years of the reign of King
and that do hereby declare, that have not at a
period of composition entered into with the commissioners
of , in the county of , become chargeable on
amount of duty, for the whole of the articles comprised in such
the amount of duty compounded for; whereby hereby
such renewal, from the additional duty of 5*l.* per centum by th
and that will attend to execute and receive the contrac
tion when required by the said commissioners.

"Signed, the day of , 18 .

"Witness,

"(Assessor or Collector of the said parish.)"

No. IV. c. 11. 4 Geo. IV. c. 11, "An Act for repealing certain of the I
Taxes; for reducing certain other of the said Duties;
Persons who have compounded for the same." (See
ante, 104.)

- Geo. IV. c. 45. By the 4 Geo. IV. c. 45, "An Act for allowing Person
their Assessed Taxes for the Remainder of the Period
limited by former Acts; and for giving Relief in cert
mentioned;" after reciting that, "Whereas under and
passed in the first and second years of the reign of his
intituled 'An Act to continue several Acts for the Reli
pounding for their Assessed Taxes from an Annual Aci
ther Term, and to amend the Acts relating to Assessme
tions of Assessed Taxes;' and of another act, passed in t
said majesty's reign, intituled 'An Act to extend the
Persons compounding for their Assessed Taxes, and to
in certain Cases therein mentioned; all and every th
described were authorized to compound for the duties
dows, and lights, for the term of six years, and oth
therein enumerated, for the term of five years, to be
puted from the fifth day of April, 1822, on the terms a
under the provisions contained in the said acts, on at
the notices of his, her, or their intention to compoun
said acts, on or before certain days which have since elapsed: and whereas
it is expedient to extend the provisions of the said acts, for enabling per
sons now to enter into composition for the remainder of the periods
therin limited, and which were unexpired on the fifth day of April, 1823,
in the manner herein provided:" it is enacted, "That from and after the
passing of this act, it shall and may be lawful for any person or persons
who shall be duly assessed to the said rates and duties, for the year com
mencing the fifth day of April, 1823, and who shall give the notice of their
his, or her intention to compound within the time and in the manner
hereinafter provided, and they are hereby respectively declared to be com
mona may com
und upon as
ssments com
encing 5th April,
23, in respect of
turies allowed
former acts.

4. Of Compounding for Assessed Taxes.

4 Geo. IV. c. 45.

Where persons compounding remove to other districts, compositions may be transferred to district of actual residence.

behalf, in the manner hereinbefore directed, respectively compound this act for such other articles, upon and according to a full return and assessment for the same, to be made for the said mencing as aforesaid, in the manner directed by this act in composition; and the whole of the duties so to be compounded and may, in such cases, be included in one and the same com-

Sect. 4. "That where any person or persons compound in said recited acts, or this act, shall have removed from the place which such composition shall have been entered into, to another house and place of residence, and shall thereupon cease dwelling-house or place of residence within the district in which he or she so compounded, the annual assessment payable on composition for the year commencing from the fifth day of April in such removal, shall be transferred to the district in which such persons shall then reside; and it shall be lawful for the commissioners acting in the execution of the said acts and of this act, and for the district to which such person or persons are removed, and they are hereby required, upon receiving thereof, and of the amount of the annual assessment payable on the person's contract of composition in the former district under any two of the commissioners acting for such last-mentioned district, which certificate, to be prepared under the authority of the commissioners for the affairs of taxes, the said commissioners acting for the said district are hereby required to sign, and cause to be delivered to the commissioners for the affairs of taxes, the said commissioners for the same district from time to time, as soon as conveniently every such removal), to cause the several amounts of the instalments compounded for and payable from and after the aforesaid, by any such persons or person, to be added to an account of the assessment of the parish to which such persons or persons so removed, and in the annual duplicate of assessments to be made out by the said commissioners under the said acts for the mentioned district; and all such assessments and instalments shall, when so transferred, be collected, levied, and recovered by the same powers, and by the same rules, provisions, ways, as if the said duties had been originally compounded for and paid to the collectors or collector in the said last-mentioned district, the same originally formed part of the assessment of the parish to which the said instalments shall have become transferred by the authority of this act, anything in the said recited acts or contracts contained to the contrary notwithstanding: provided, that nothing herein contained, notwithstanding the transfer of future instalments, shall prevent the raising and levying of composition payable by the persons last herein described, in the parish from which they, he, or she shall have so removed as aforesaid, up to the fifth day of April next following such removal, by the same powers and provisions as the said duties were recoverable by the commissioners for the affairs of taxes at the passing of this act: and all such future instalments, so transferred to the assessment of another parish, ward, or place, in like manner, be raised and levied under the provisions of this act, as part of the assessments of the district in which such composition entered into."

All instalments and arrears within or prior to year of removal to be paid in former district.

On transfer of compositions of assessments to parish of removal, assessment on parish first charged may be discharged.

Sect. 5. "That in every case when and as the future instalments under any composition shall have been transferred, and the assessment of the parish, ward, or place in the district to which the person or persons shall have removed under the provisions last contained, and which shall be duly certified under the authority of the commissioners for the affairs of taxes, it shall be lawful for the commissioners acting for the district from which the person or persons so compounded shall be so transferred shall have ceased to re-charge all such future instalments so transferred, from the assessment of the parish, ward, or place therewith before charged, and in the same proportion."

4. Of Com-
pounding for
Assessed
Taxes.

4 Geo. IV. c. 45.

respective commissioners and other persons authorized by the cited acts to contract and agree for such compositions, or to form any other matter or thing for carrying the said recited execution, shall severally and respectively contract and agree compositions to be entered into under this act, and do and perform such other matters and things as are required to be done and performed in the execution of this act, within the limits of their respective jurisdictions; and all the powers and authorities given and granted by or under the said recited acts, so far as they apply, and as are not pugnant to the provisions of this act, shall and they are hereby to be levied and continued for and during the respective territories limited, in as ample and effectual a manner as if the same powers and authorities were expressly re-enacted by this act, and shall be applied, construed, deemed, and taken to belong to this act, thereof, in like manner as if the same had been herein expressly granted, and applied by this act; and the said commissioners and others before mentioned are hereby empowered and required to do and perform all things necessary for putting this act in execution, in the same as full and ample a manner as they or any of them are, or were authorized to put in execution the said several recited acts."

Provisions of former composition acts to remain in force, except as varied by this act.

Sect. 9. "That all and every the provisions, directions, rules, regulations, methods, clauses, matters, and things contained in the said acts, although expressly applied to the compositions made under the said acts, or either of them, shall severally and respectively be construed, deemed to apply to the compositions to be entered into under this act, and (except where other provisions, directions, rules, regulations, clauses, matters, and things are substituted in and by this act) severally and respectively be used and practised in ascertained amount on which any composition is to be made, and the addition to be imposed thereon, and in doing and performing all other things necessary for carrying this act into execution, and construed, deemed, and taken to belong to this act, as part of this act, in like manner as if the same were severally repeated in and expressly applied to the provisions of this act; and where other provisions, rules, regulations, methods, clauses, matters, or things are substituted by this act, in lieu of any provisions, directions, rules, regulations, methods, clauses, matters, or things contained in the said acts, respectively shall be construed, used, and practised, in such manner as to the like effect in all respects, as if the said recited acts as if they had been incorporated, and as if this act had expressly abrogated void the several parts of the said recited acts, in lieu whereof the part or parts of this act is or are substituted."

Sect. 10 declares that the repeal of the duties on horses, mālings, and mules, by the first section of 4 Geo. IV. c. 11, shall not be construed, deemed, and taken to extend to ponies under the height of thirteen hands (see the enactment, *ante*, 104.)

"Witness,
" Clerk.
} Commissioners of the
"Witness,
" Clerk. } within divisions.

} The party hereto."

-With the consent of the commissioners, the collector of the parish may witness the
the party to the contract."

o. IV. c. 44, intituled "An Act for allowing Persons to com- 5 Geo. IV. c. 44.
pound for their Assessed Taxes for the Remainder of the Periods of Com-
posed by former Acts, and for granting Relief in certain Cases,"
q. that "Whereas by an act passed in the last session of
intituled 'An Act for allowing Persons to compound for their
assesments for the Remainder of the Periods of Composition limited
cts, and for giving Relief in certain Cases therein mentioned,'
therin described, who had not entered into composition
provisions of the acts therein mentioned, within the times
ited, were authorised, on giving notice on or before the first
umber, 1823, to compound on their respective assessments,

4. Of Compounding for Assessed Taxes.

5 Geo. IV. c. 44.

Persons may compound upon assessments commencing 5th April, 1824, as to articles allowed by former acts.

Duties on houses and windows for four years, other assessed taxes three years.

Persons intending to compound under this act, to give the notice required by the former acts on or before the 2d August, 1824.

Commissioners and other officers acting under former composition acts, to act in execution of this act.

Former acts applied to this act.

to be made for the year commencing from the fifth day for the then remainder of the periods in the said acts now say,) for the term of five years for the duties on houses and for the term of four years for the other assessed taxes it is expedient further to extend the provisions of this enabling persons now to enter into composition for the said periods which were unexpired on the fifth day of April, manner herein provided ;" enacts, "That from and after this act, it shall and may be lawful for any person or be duly assessed to the said rates and duties for the the fifth day of April, 1824, and who shall give the notice or her intention to compound within the time and in the manner after provided, and they are hereby respectively declared to compound for the rates and duties assessed on their dwelling-house for the term of four years, and for their assessed taxes allowed to be compounded for by the said particularly enumerated, for the term of three years res commencing from the fifth day of April, 1824, together with an annual duty of 1s. for every 20s. of the respective amounts and so after that rate for any greater or lesser sum till assessments so to be made and compounded for severally be and remain to the same annual amount for the periods last mentioned, to all intents as if the said duties compounded for under the said acts."

Sect. 2. "That all and every person and persons desiring under this act shall, on or before the second day deliver or cause to be delivered, free of charge, to the surveyors of the respective districts comprising the parishes or places where persons shall respectively reside, a notice in writing, according to the manner by the said acts directed, declaring their intention to compound under this act, and which notice upon being observed, and followed, for the purposes of composition and complete assessment for the said year, commencing of April, 1824; and the said commissioners shall and be authorized and required to contract with such persons respecting the provisions in the said recited acts and this act respecting the periods and in the manner herein limited, and account of contract set forth in the schedule to this act annexed, to all intents as if such notices had been delivered within the said acts limited, and under the several provisions there-

Sect. 3. "That the several persons who for the time being commissioners for putting in execution the acts relating to taxes, and the said recited acts for compounding for the same, be commissioners for putting in execution this act, and be referred to or contained, in all and every the respective divisions, shires, and stewartries, cities, boroughs, counties and places, in Great Britain; and the several assessors, collectors, inspectors, and inspectors-general for the time being appointed to put in execution the said acts, shall be assessors, collectors, surveyors, inspectors, and inspectors for executing this act within the limits of their respective divisions and places to which they are or shall be appointed; and commissioners, and other persons authorized by the said acts to contract and agree for such compositions, or to do or to enter into any matter or thing for carrying the said recited acts into execution severally and respectively contract and agree for the same entered into under this act, and do and perform all such things as are required to be done and performed in this act, within the limits of their respective jurisdictions powers and authorities given and granted to them by the said recited acts, so far as they apply and are not repugnant

“The SCHEDULE to which this Act refers.

"FORM of Contract of Composition under the Act of 5 Geo. IV.

	Amount of Duties.	<p><i>Know all men, that we, two of sioners acting in the execution q relation to the assessed taxes for of , in the county of contracted and agreed with in the said division, in pursua passed in the fifth year of king Fourth, for the composition of a as stated in the margin hereof, a rate; which several amounts as to the collectors of the said collectors of any parish or place said shall remove, and part of the said composition sh be transferred, under the pro said act, by two instalments; vi</i></p>
Windows No.	_____	
Rent Amount.	_____	
Total Amount of Duty . . £	_____	
Composition Duty of 5 <i>l.</i> per Cent.	_____	
Total Amount of Composition } Composition £	_____	
Composition for Establishment	_____	
Ditto for House	_____	
Total Amount of Composition } Composition £	_____	
No. ESTABLISHMENT.	Schedules.	
Servants	(C.), No. 1.	<p><i>1st instalment, on or before day of October;</i></p> <p><i>2nd instalment, on or before of April;</i></p> <p><i>and so yearly, during the respec four years and three years, f day of April, 1824, mentione act.</i></p>
Male Persons	(C.), No. 3.	
4-Wheel Carriages	(D.), No. 1.	
2-Wheel Carriages	(D.), No. 2.	
Taxed Carts	(D.), No. 4.	
Horses for Riding } or Drawing	(E.), No. 1.	
Race-Horses	(E.), No. 3.	
Dogs	(G.)	
Hair-Powder	(I.)	
Armorial Bearings	(K.)	
Total Amount of Duties . . £	_____	
Composition Duty of 5 <i>l.</i> per Cent.	_____	
Total Amount of Composition } Composition for Establishment	_____	
Ditto for House	_____	
Total Amount of Composition } Composition £	_____	

"Dated the *day of*
"Witness.

"Clark"

{ Commissi

{ *within*

"Clerk." } The party

"N.B.—With the consent of the commissioners, the collector of the parish signature of the party to the contract."

7 Geo. IV. c. 22. By the 7 Geo. IV. c. 22, s. 1, after reciting that, "Whereas provisions of an act passed in the first and second years of his present majesty, and of other subsequent acts, the compositions have been respectively renewed and entered into for relieving annual assessments for the assessed taxes will expire with the duties on windows or lights, and on inhabited houses, on the fifth day of April, 1828; and for the other duties of assessed taxes mentioned, on the fifth day of April, 1827: and whereas it is expedient to allow persons to have the option of enlarging the period of the termination of their contracts of composition, and also to

to respectively payable, a notice according to the form in
to this act annexed, marked No. I., declaring his, her, or
to continue such composition : and where any such person
all claim the continuance of his, her, or their composition
ent of any additional duty under this act, on the ground of
increased his, her, or their establishment in respect of any
icles of the description compounded for, such person or
also, before the respective days, and in manner aforesaid,
use to be delivered to the same assessor or assessors, col-
lectors, or surveyors, as aforesaid, a declaration to that effect,
the form in the said schedule to this act annexed, marked
all such declarations shall, on delivery, be subject to the
ions and rules for ascertaining the accuracy thereof, and to
the same, as provided under the same acts for the examina-
tion and returns in securing due compositions ; and every
and declaration, respectively signed by the person or
compounding (or by his, her, or their authorized agent,
er in the said acts prescribed), shall, on delivery to any
assessors, collector or collectors, or surveyors, as afore-
ding on the person or persons compounding (except in
declarations hereinafter provided), to all intents as if a re-
ct of the further periods herein allowed were entered into
visions of the said acts : provided always, and where any
mona shall deliver any such declaration that shall be false Delivering untrue
declaration.
such person or persons shall lose the benefit of continuing
their composition under the provisions of this act ; and such Penalty.

4. Of Compounding for Assessed Taxes.

7 Geo. IV. c. 22.

To whom assessors and collectors to deliver notices and declarations.

Notices sufficient authority to the commissioners to continue compositions.

Proviso as to additional duty.

New compositions may be entered into.

On notice by party.

Additional annual duty.

Persons intending to enter into new compositions under this act to give notice.

Commissioners to contract therein as by former acts.

person or persons shall also be liable to the like penalty as is and are imposed by the acts relating to the said duties or ble to the said duties making an untrue return or false decl particulars required by the said acts."

Sect. 3. "That the respective assessors and collectors, b notices and declarations shall from time to time be receive strictly enjoined and required forthwith and with all dilige the said notices to the commissioners of the respective dist clerks, and all and every the said declarations to the surve the district in which the same shall be received; and ever and declaration, after the expiration of the corresponding p examinations thereof, as by the said acts is provided with i notices or returns under the said acts, for the purposes of assessment and composition, shall be a sufficient authority f tive commissioners, and they are hereby authorized and charge such persons respectively in the annual composition for the said further terms; and the payments of the instal made and enforced half-yearly under the provisions of the of this act, on the like days of payments, and to all intents ppective contracts had been originally made and entered periods herein provided, and to which such notices shall re tend; and all persons so charged to the composition duties continued, and paying the same, and the additional duties h in the cases where payable, shall be protected against annu during the periods of continued composition, in like manne sons are now protected under their existing compositions a assessments."

Sect. 4. "That from and after the passing of this ac may be lawful for any description of person or persons compound within the times and in manner prescribed by th acts, who shall respectively be duly assessed to the said rat on windows or lights, or on any article or articles allowe pounded for under the said acts respectively, for the year the fifth day of April, 1826, and who shall give the notice of their intention to compound within the time and in the inafter provided to compound for the rates and duties ass her, or their dwelling-house, and also for his, her, or their taxes of the descriptions allowed to be compounded for by and therein particularly enumerated, for the term of four tively, to commence from the said fifth day of April, 1826, payment of such duties respectively, together with an addit duty of 1s. for every 20s. of the respective amounts so ass after that rate for any greater or lesser sum than 20s.; amts so to be made and compounded for under this act to be and remain to the same annual amount for the said term and under the like protection to the parties compoundi against annual assessments in respect of the like descript to all intents as if the said duties had been compounded said acts."

Sect. 5. "That all and every person and persons desirous ing under this act, shall, on or before the first day of Aug liver, or cause to be delivered, free of charge, to the survey the respective districts comprising the parishes or places persons shall respectively reside, a notice in writing, acc form and in the manner by the said acts directed (*mutatis mutandis*), claring his, her, or their intention to compound under thi term of four years, commencing as aforesaid; and which is acted upon, observed, and followed, for the purpose of com full and complete assessment, for the said term of four yeas cing as aforesaid; and the said commissioners shall and are rized and required to contract with such persons respectiv

district in which such person shall reside, one calendar month at the setting up and keeping such carriage, and on payment of the duty compounded for on a two-wheeled carriage, and the public on a four-wheeled carriage, together with the like additional position duty per centum payable by such contract, and to be duty.

With additional

In such difference, to be indorsed by certificate on every such composition, by any two of the commissioners acting in the of this act, in the district in which such contract shall have been or continued, and to commence and be made payable within whole of the year commencing from the fifth day of April, in such setting up of a four-wheeled carriage shall take place, by instalments, during the continuance of the said contract; and additional payments shall be enforced in like manner as originally inserted in every such contract; and any person benefit of this provision shall and may, during the continuance increased composition, have the like privileges as those which enjoyed by persons compounding under the said acts: provided ^{Proviso.}

In case of any such setting up of a four-wheeled carriage in mencing on the fifth day of April, 1826, and before any con completed under this act, then such contract shall and may do, in the first instance, for a four-wheeled carriage, to all be party were assessed for the same."

That the several persons who for the time being shall be Commissioners and other officers for putting in execution the acts relating to assessed taxes, acts for compounding for the said duties, shall be commissioners acting under former acts to execute this act.

in all and every the respective counties, ridings, divisions, burghs, cities, boroughs, cinque ports, towns, and places in ; and the several assessors, collectors, surveyors, inspectors, general for the time being, appointed or to be appointed under the said acts, shall respectively be assessors, collectors, inspectors, and inspectors-general, to put in execution this limits of the respective divisions, districts and places to be or shall be appointed; and the respective commissioners persons authorised by the said recited acts to contract and agree

**4. Of Com-
pounding for
Assessed
Taxes.**

7 Geo. IV. c. 22.

Provisions of former composition acts to be applied to this act, except as herein varied.

same had been herein expressly given, granted, and applied by thi and the said commissioners, and others before mentioned, are hereby powered and required to do and perform all things necessary for pu this act into execution, in the like and in as full and ample a man they or any of them are, or were, or was authorized to put in exec the said several acts."

Sect. 8. "That all and every the provisions and directions, regulations, methods, clauses, matters, and things contained in thi acts, although expressly applied to the compositions made under thi acts, or either of them, shall severally and respectively be construed deemed to apply to the compositions to be entered into under thi and (except when other provisions, directions, rules, regulations, m clauses, matters, and things are substituted in and by this act, severally and respectively be used and practised in ascertaining, and charging the amount on which any composition is to be continu made, and the additional rate to be imposed thereon respectively, a doing and performing all other matters and things necessary for thi this act into execution; and shall be construed, deemed, and thi belong to this act as part thereof, in like manner as if the sum severally repeated in and expressly applied to the provisions of thi and where other provisions, directions, rules, regulations, m clauses, matters, and things are substituted by this act, in lieu provisions, directions, rules, regulations, methods, clauses, matte things contained in the said acts, the same respectively shall b construed, used, and practised in such manner and to the like effect respects, and within corresponding and like times and periods, a said acts and this act had been incorporated, and as if this act expressly abrogated and made void the several parts of the said lieu whereof any part or parts of this act are or is substituted."

" SCHEDULE referred to by this Act.

"No. I.

" FORM of NOTICE of Continuance of Contract under this Act

*" To the commissioners acting for the division of , in the
of , and to the assessor [or, collector] of the parish [town
place] in the said division [or, if in Scotland, To the surveyor of
division of , as the case may be].*

*" Take notice, that I am [or, we are] desirous of continuing, un
powers, conditions, and provisions of an act passed in the seventh year
reign of king George the Fourth, my [or, our] contract [or, contracts,
case may be,] of composition for assessed taxes now in force and payable
said parish [township or place].* (To be sign

" No. II.

**" FORM of DECLARATION to be delivered by Persons desirous
tinuing their Compositions free from additional Duty of Five per Cen
Cases where no Increase of the Article or Articles compounded for sh
taken place.**

*" To , the assessor [or, collector] of the assessed taxes for th
[township or place] of , in the division of , [or, if in S
To the surveyor of the assessed taxes for the division of .*

*" I [or, we], the undersigned, having delivered to you a notice of my [
intention to continue my [or, our] contract [or, contracts, as the case ma
composition for my [or, our] assessed taxes now in force, under the p
of an act passed in the seventh year of the reign of king George the Fo
hereby declare that I [or, we] have not at any time during the peri
[or, our] said composition set up or increased any article or articles of*

respectively, and their contracts of composition have been
renewed or continued for a further term under and by
other acts passed for that purpose; and such contracts
the fifth day of April, 1835: and whereas it is expedient to
persons who have so compounded as aforesaid, as well as
be willing to compound under the provisions of this act,
assessment, for a further term herein limited;" it is
the assessments made or to be made under and by virtue
Assessments for
the year ending
6th April, 1835,
to remain to the
same amount if
compounded for
under this act for
the term of five
years.
of the duties of assessed taxes as may be comprised in
to be entered into under this act for the year to end on
April, 1835, shall severally be and remain to the same
in respect of every person who shall compound for the
t of the said assessments under this act for the term of years.
computed from the fifth day of April, 1835."

several compositions entered into under any former act Compositions
in force, on any of the duties of assessed taxes, may, in under former acts
of the said duties as are herein enumerated, be renewed
or the term of five years, to be computed from the said
April, 1835, in the manner, and subject to the terms, com-
plications herein prescribed."

every new contract of composition entered into under this Contracts how to
be made.
in the body thereof the number of servants, carriages,
other articles of the establishment upon which composition
is aforesaid, and shall be made according to the form set
out to this act, *mutatis mutandis.*"

provided always, that no composition shall be entered into under this act for any duty or duties of assessed taxes other than on the following articles, forming the establishment of compounding, and retained, employed, kept and used for d not for or to the use, benefit, or profit of any other per- at or let to hire; viz. the duties on servants mentioned in an act passed in the forty-eighth year of the reign of king rd, and in the schedule of another act passed in the fifty-
the reign of the said king marked / / No. 1 - 1000

Enumeration of
articles to be com-
pounded for un-
der this act.

4. Of Com- pounding for Assessed Taxes.

4 & 5 WILL. IV.
c. 54.

**Persons assessed
for the year end-
ing 5th April,
1835, may com-
pound on the
amount assessed
in that year, pay-
ing an additional
duty of 5*l.* per
cent.**

Exception as to taxes in respect of articles kept for trade, &c.

Persons who have compounded for window tax for year ending 5th April, 1835, and persons not then liable to said tax, may open additional windows free of duty.

**Proviso as to ad-
ditions to houses.**

Compounders on the other assessed taxes may renew same on amount charged thereby, together with a further duty of 6*l.* per cent.

position had been entered into, according to the laws in such assessments."

Sect. 5. "Every person not having compounded former acts, who shall be duly assessed for the year ending the day of April, 1835, to the rates and duties chargeable relating to assessed taxes, is hereby declared to be compelled to compound for his assessed taxes herein enumerated for the year ending the said fifth day of April, 1835, on annually as shall be assessed on him for the year ending the day of April, 1835, together with an additional annual sum of every 20s. of the respective amounts so assessed, and for any greater or lesser sum than 20s., so as not to impose any additional duty any fraction of 1d."

Sect. 6. "Provided always, that no composition shall be made or renewed under this act with any person in trade articles kept for the purpose of trade; nor shall any composition be entered into upon any assessment charged upon two or more persons in partnership; nor shall any composition under the said act be made with any person in respect of horses, or other articles let or used for hire."

Sect. 7. " Every person who is or shall be duly assessed and compounded under the said former acts for his warehouse, shop, or other premises, in respect of the same, for the year ending on the 5th day of April, 1832, to make or open and keep open, free of duty, any additional windows or lights in his dwelling-house, warehouse, shop, or other premises so assessed or compounded for; and that no person or compounding by reason of his dwelling-house, warehouse, shop, or other premises not containing seven windows or lights, shall be liable to rates and duties, because of any additional number of windows or lights in such warehouse, shop, or other premises: provided always that such person as aforesaid, whether he shall be assessed or compounded for or shall be liable to be assessed as aforesaid, or not, shall not make or open any communication with any other dwelling-house, warehouse, shop, or other premises adjoining or near thereto, then and in any such case, and lights in such dwelling-house, warehouse, shop, or other premises, or such additional or adjoining tenement or building, shall be assessed together to the said duties, in like manner as before the passing of this act be liable to be rated and compounded under the said former acts in force."

Sect. 8. "Every person, except as hereinafter is excepted, by any contract now in force under the for any of the duties of assessed taxes herein enumerated, declared to be competent to renew his former composition and such part thereof as relates to the duties on the articles rated, on the amount of duty charged and now payable on respectively, and comprised in the said former composition the additional rate or several additional rates of duty of if charged therein under the said former acts in respect of which several sums shall form the aggregate amount on composition may be renewed under this act; and the the terms and conditions of such renewal; (that is to say, son who hath compounded as aforesaid hath not increased of servants, horses, carriages, or other articles composition hath been made to such an extent that the thereon under an assessment would exceed by more than the total amount of the sum now payable on such contract there shall be paid and payable a further additional duty of 20s. of the said aggregate amount, and so after that rat-

of Whitsunday in the same year in Scotland, deliver or contract or copy, with notice, before 5th April, 1835, to the commissioners of the district in which such division, or to the clerk of such commissioners, the contract of in England, and before Whitsunday, 1835, in Scotland.

entered into, annexing thereto a notice according to the rule to this act annexed, declaring his intention to renew containing a full, true, and complete return or list of the of servants, carriages, horses, and other articles of his chargeable with duty which shall have been kept and used by such person at any time during the year commencing fifth day of April, 1834."

any person having compounded under the said former Persons having reduced their established since entering into such compounded and reduced their establishments may compound de novo on assessment of 1835, on such person may be chargeable with a lesser amount for the year commencing from the fifth day of April, duty compounded for, and shall by reason thereof be giving notice within three months, and annexing return of articles chargeable.

ng the said composition, and of entering into a composition shall be lawful for him so to do upon giving notice in his intention to the surveyor of the said duties, acting for which such person shall reside, within three calendar months passing of this act, annexing to such notice a full, true, return or list of the greatest number of articles chargeable and retained or employed by such person after the fifth April, so that an assessment may be duly made for the year in the fifth day of April, 1835, on all the articles chargeable; and it shall be lawful for the commissioners (subject to the manner hereinafter provided for compositions under this act who shall not have compounded under the same) to enter into composition under the provisions of this act on giving the notice aforesaid, upon the amount of such assessment, with the additional duty granted thereon by this act as if such person had not compounded under the

provided always, that nothing herein contained shall authorise Persons who,

**4. Of Com-
pounding for
Assessed
Taxes.**

4 & 5 Will. IV.
c. 54.

Persons who have
compounded un-
der former acts,
giving notice of
reduction in their
establishment, to
enter into new
compositions.

Persons beginning
to keep or in-
creasing an estab-
lishment in 1834,
may compound on
the assessment of
succeeding year.

Renewed compo-
sition not to ex-
tend to articles of
a different de-
scription from
those authorized
by former com-
positions.

Compounders,
having removed
to another divi-
sion, may com-
pound therein.

Compounders
entitled to like
privileges of in-
creasing esta-
blishment, &c.,
as under former
acts.

year to his assessed taxes, to contract and enter into c with such person, on the amount assessed for that yes of the articles herein enumerated, together with the ad *per centum* hereby granted on the amount of other pounded for under this act."

Sect. 12. "Provided also, that no person who hath the said former acts, and who shall give notice, in pu acts, of his intention to discontinue any part of his i ment of servants, carriages, horses, or other articles, vided by the said acts, shall be allowed to renew his composition under this act, nor to enter into any new sition under this act, except upon the amount of an a a *bond fide* return of the greatest number of servant and other such articles as aforesaid, kept and retain him in the year commencing from the fifth day of A with the additional duty of five *per centum* on such an manner as if such person had not compounded under t the said notice, or anything in the said former acts or trary thereof notwithstanding."

Sect. 13. "Every person who shall have began to k any servants, carriages, horses, or other articles bef any additional number thereof, in the year ending on of April, 1835, and who shall deliver a statement required, of the number of servants, carriages, horse aforesaid, so that an assessment may be duly made th to commence from the fifth day of April, 1835, is he competent to compound under this act on the amoun such assessment to be made for the said year to com fifth day of April, 1835, on the same terms and co person had been so assessed for the preceding year."

Sect. 14. "Provided also, that nothing in this act construed to extend any renewed composition unde articles of a different description than is authorized entered into under the said former acts, which shall kept since the making of the said composition, but shall be assessed for the said articles as if the said had not been renewed; but nevertheless it shall be person who shall have been assessed for the said additi year ending the fifth day of April, 1835, or shall be as for the subsequent year, and who shall renew his form to compound for the said additional articles on the amment, and the additional rate granted by this act, by e rate contract for the said articles so assessed."

Sect. 15. "Every person who shall have compoun former acts for the articles of his establishment, and from the division where the former composition wa who shall be desirous to renew such composition unde of the same establishment, shall deliver to the cor division where he shall reside the contract of his for a true copy or certificate thereof, under the hands of a commissioners entering into the said contract, annexing according to the form in the schedule to this act an intention to renew the same; and it shall then be commissioners to renew the same, according to the pr in like manner as if the said former composition had by the commissioners of the division where the same renewed."

Sect. 16. "Every person entering into or renewin according to the provisions of this act, and paying sums compounded for at the times and in the proporti specified in the said former acts and this act, an

five of duty any additional number of hounds: provided also, villages and immunities in this clause mentioned shall not except article of his establishment specially excluded by this act composition to be made or renewed under the same, in which no further or increased charges shall and may be made, and penalties, and forfeitures incurred under any of the acts relating thereto shall and may be sued for, prosecuted, and recovered, the provisions of the said several acts, as fully and effectually as if composition had been made or renewed under this act."

"Every person who shall be assessed for any servants, cattle, or other chargeable articles aforesaid, for the year ending the first day of April, 1835, in two or more places in Great Britain, or shall be assessed for that year, or shall have compounded under the acts in a different place than where he is entitled to compound by this act, shall deliver, or cause to be delivered, to the commissioners whom such application to compound shall be made, a certificate under the hands of the respective surveyors of the place where he shall be so assessed or have compounded under the acts, containing the particulars of such assessment or compound, and of any other division or place, according to such forms as may be directed by the commissioners of stamps and taxes pursuant to every composition entered into or renewed contrary to the acts mentioned shall be vacated and made of no effect by the commissioners of stamps and taxes, on due proof of any like certificate of any such assessment for the said year, or compound, under the said acts, which respectively shall not be liable to the commissioners, parties to any such composition, therein, unless it shall be proved to their satisfaction that the same has arisen by error or mistake; in which cases the commissioners of stamps and taxes respectively may consent that the composition shall be entered into, to take effect from the fifth day

"Every person compounding as aforesaid, or renewing any composition under this act, shall be freed and discharged from any Compounders not liable to penalty, except for compositions made before the first day of April, 1835.

As to persons assessed in two places, or who have compounded under former acts in places where they are not entitled to compound under this act.

**4. Of Com-
pounding for
Assessed
Taxes.**

4 & 5 WILL. IV.
c. 54.

Persons occupy-
ing houses or
keeping articles
compounded for
by other persons,
or set up by other
persons under
colour of compo-
sition liable to
duty.

Intent to defraud,
treble amount of
duty.

Contract entered
into to a less
amount than
ought to be in-
cluded, to be
void, and offender
to forfeit 50l.

Persons having
diminished their
establishment
during their
residence out of
Great Britain not
entitled to com-
pound.

In cases of sick-
ness, persons may
sign their con-
tracts in presence
of collector.

Compositions
with persons
afterwards suc-
ceeding to estates,
and keeping
larger establish-
ments, to cease,
with power to

Sect. 19. "If any person who shall not compound un-
after the fifth day of April, 1835, retain or keep for
article chargeable with any duty under the acts relating
which hath been compounded for by any other person
been set up, retained, used, employed, or kept by su
under his composition, or under colour or pretence t
article continuing to belong to the person so compou
hath not been compounded for by the person so reta
ploying, or keeping the said article chargeable as afores
composition, every such person so retaining, using, em
ing for his own use any such article as aforesaid sha
assessment in respect of any such article as aforesaid, in
to the like amount as if the same article had belonged
no composition had been made by such other person ;
before the commissioners that the same hath been do
defraud the revenue, every such person shall be asses
amount of duty payable as aforesaid."

Sect. 20. "If any person shall by fraud or covin car
assessment on which any contract of composition shal
under this act to be made on a lesser amount of duty
charged on him, or by any the ways or means in this ac
cause or procure any contract of composition under this
into, or any contract of composition entered into unde
acts or any of them to be renewed under this act, on a
duty than ought to be included in the contract of comp
act, every contract so entered into or renewed under thi
and of no effect ; and every person so offending shall
50l., to be sued for, recovered, and applied as any penal
acts relating to assessed taxes may be sued for, recover

Sect. 21. "No composition for assessed taxes shall
renewed under this act with any person who shall ha
Great Britain before the passing of this act for a tempor
and who shall have ceased to be assessed to the said du
been assessed to a lesser amount, during such his resid
Britain, and who shall be assessed to the said duties on a l
he was assessed before his departure from Great Britain
ending the fifth day of April, 1835, nor with any person
of Great Britain at the time of executing this act."

Sect. 22. "Any person residing within Great Britair
sickness or infirmity, or other reasonable cause, with t
said respective commissioners, execute such contract i
the collectors of assessed taxes, or one of them, acting
place where the person compounding shall reside, any
former acts or this act to the contrary notwithstanding
that every such collector shall testify the execution of
signing the same in the presence of the party so conti
also, that any person duly assessed in Great Britain fo
the fifth day of April, 1835, and entitled to compound i
residing in Ireland at the time of executing the contr
composition by the respective commissioners under this
such contract by his or her lawful attorney duly con
power of attorney being first delivered to the said re
sioners for that purpose, which contract so executed sh
force and effect as if the party compounding had perso
same."

Sect. 23. "Every composition entered into or renew
in respect of servants, carriages, horses, or other artic
rated, with any person hereinafter described, shall cea
at the respective times hereinafter mentioned ; (that
person who shall compound or renew any compositio
shall afterwards come into possession of any estate, re

keep any other servants, carriages, horses, or other articles
held, of the same description and chargeable to the like
acts relating to assessed taxes, in lieu and in the place
of the wife before marriage or any part thereof, or
rate establishment of either husband or wife, or their
ent, would have been assessable on the husband if no
been entered into or renewed, to an amount of duty
part of such composition, then and in every such
tion entered into or renewed under this act by any such
of them, so intermarrying and keeping any such estab-
said, shall cease and determine at the end of the year of
ich such increased establishment shall begin to be kept;

it shall be lawful for the respective commissioners in
after such person shall have made a *bond fide* return of
iber of servants, carriages, horses, and other articles of
shment charged with any duty of assessed taxes, accord-
a force relating to the said taxes, for the year next after
1 of such composition, in order to an assessment thereon
d who shall be duly assessed for that year to his or her
o contract and enter into composition *de novo* with any
the remainder of the term then to come and unexpired
o assessed on him or her for that year, together with the
ereby granted on the amounts of other assessments to
for under this act."

several persons who for the time being shall be com- Commissioners
etting in execution the acts relating to assessed taxes and other officers
ioners for putting in execution this act, and the powers acting under for-
o or contained, in all and every the respective counties, mier composition
acts to act in exe-
cution of this act.

4. Of Compounding for Assessed Taxes.

4 & 5 Will. IV.
c. 54.

ridings, divisions, shires, and stewartries, cities, boroug towns, and places in Great Britain ; and the several ass surveyors, inspectors, and inspectors-general for the time or to be appointed to put into execution the said acts, be assessors, collectors, surveyors, inspectors, and insp put into execution this act within the limits of their res districts, and places to which they are or shall be apj respective commissioners and other persons authori former acts to contract and agree for such compositions form any other matter or thing for carrying the said ac shall severally and respectively contract and agree for to be entered into or renewed under this act, and shal all such other matters and things as are required to formed in the execution of this act within the limits o jurisdictions ; and all the powers and anthorities give them by or under the said former acts or any of them hereby declared to be revived and continued, for and herein limited, in as ample and effectual manner as if and authorities were expressly re-enacted by this act, a be applied, construed, deemed, and taken to belong to thereof, in like manner as if the same had been herein r granted, and applied by this act ; and the said commiss before mentioned are hereby empowered and required to things necessary for putting this act in execution in the and ample a manner as they or any of them are or were in execution the said former acts."

Provisions of for-
mer acts to remain
in force.

Sect. 25. " All and every the provisions, directions, methods, clauses, penalties, matters, and things contain act or acts and now in force, although expressly applictions made or renewed under the said acts or any of the and respectively be construed and deemed to apply to to be entered into or renewed under this act, and (except visions, directions, rules, regulations, methods, clauses, and things are substituted in and by this act) shall severly be used and practised in ascertaining the amo composition is to be made, and the additional rate to be and in doing and performing all other matters and thi carrying this act into execution, and shall be constr taken to belong to this act, as part thereof, and shall r plied and enforced for the raising, levying, paying, an the monies to arise under this act, and for the preventment of fraud, imposition, and evasion, in like manner were severally repeated in and expressly applied to the act ; and where other provisions, directions, rules, regu clauses, penalties, matters, or things are substituted by any provisions, directions, rules, regulations, methods, matters, or things contained in the said former acts, the shall be construed, used, and applied in such manne effect in all respects as if the said former acts and this ac porated, and as if this act had expresaly abrogated al several parts of the said former acts in lieu whereof an this act are or is substituted."

Limitation of
time in former
acts extended to
this act.

Persons intending
to compound to
give notice
thereof, together

Sect. 26. " Where the said former acts contain any tion of time for the doing or performing of any act, therein required, the powers and authorities of the said and practised for the doing and performing the like things required by this act, observing therein the peric time expressed in this act."

Sect. 27. " Every person who is hereby declared to compound under this act, and shall be desirous so to before the fifth day of April, 1835, in England, and on

hitunday in the same year in Scotland, deliver or cause to be delivered, free of charge, to the surveyor of the district acting for the parish where such person shall reside, a notice in writing according to the form in the schedule to this act annexed, declaring his intention to take the benefit of this act, which notice shall be signed and bear on the day of such signature by such person (or by some authorized agent on his behalf, residing in such district, and declaring therein the name of his residence) in the presence of one or more of the assessors or factors of the said duties for the same parish or place where the person intending to compound shall reside, or in the presence of such surveyor, who respectively shall attest such signature by signing the same with his own name; and every such notice shall contain the number and description of the articles on which such persons shall intend to compound, such notices shall be in the form in the schedule to this act annexed; and all such notices shall and may be retained in the hands of the said surveyors respectively until the expiration of two calendar months after delivery thereof; and every such surveyor shall carefully and diligently inspect and examine every assessment, and every contract of composition entered into under the said former acts, relating to the persons so applying respectively, and also the notices delivered by such persons under the said acts to discontinue any increased establishment set up under any such district, or any part thereof, and after such examination thereof every such surveyor shall from time to time, within the said period of two calendar months, deliver the same to and therewith certify to the respective commissioners authorized by this act to contract for such compositions for parishes or places where such applications shall have been made, for his satisfaction with the notices delivered in such cases, or his objection thereto, together with the particular article or articles omitted, and the amount of duty on which such composition ought to be made; and composition shall be entered into or renewed in any of the cases so cited to until a full and complete return shall be made of every article payable with duty on which the composition ought to be made under provisions of this act; and every composition entered into or renewed contrary to the provisions of this act shall be void and of no effect, the person entering into or renewing the same shall be liable to punishment according to the provisions of the acts in force relating to taxes, as if no composition had been entered into or renewed, to the charge of the respective surveyors to be made under the duty and subject to the provisions of the said last-mentioned acts."

Act. 28. "In every case where by any error or mistake the just amount of duty on which the person compounding ought to compound, or the national rate thereon, shall not be duly inserted or calculated in the contract of composition, it shall be lawful for the commissioners of stamps taxes, by certificate under the hands of any two or more of them referred to the commissioners of the division by whom such composition was made, to cause the same to be amended, or a new contract made and entered, in such manner as may seem to them expedient to obviate such error or mistake, and conformable to the true intent and meaning of this act; and the said respective commissioners to whom such certificate shall be directed shall cause the same to be amended accordingly."

Act. 29. "All the monies arising by compositions entered into or renewed under the said former acts or this act (the necessary charges of drawing and accounting for the same excepted) shall from time to time be paid into the receipt of his majesty's exchequer at Westminster, to the account of assessed taxes in Great Britain, and shall be carried to and be a part of the consolidated fund of the United Kingdom of Great Britain and Ireland."

Act. 30. "And be it enacted, that the word 'horse' or 'horses,' whenever the same occurs in this act, shall respectively be construed to include any mare or gelding or mares or geldings, as well as horse or horses; and that wherever in this act any word is used im-

Errors or mistakes in compositions may be amended.

Monies arising by compositions to be paid into consolidated fund.

Construction of words.

4 & 5 WILL. IV.
c. 54.

with statement of articles of composition.

4. Of Compound for Assessed Taxes.

4. Of Compounding for Assessed Taxes.

4 & 5 Will. IV.
c. 54.

Schedule annexed
to be deemed
part of act.

How form shall
be used.

porting the singular number or masculine gender only, yet importing the singular number shall be construed to extend plied to several persons or things as well as to one person or such word importing the masculine gender shall be construed and be applied to females as well as males, unless in the se aforesaid, or any of them, it be otherwise specially provided, something in the subject or context repugnant to such constru

Sect. 31. "The schedule hereunto annexed shall be deemed this act, as if the same had been inserted herein under a sp ment: provided always, that it shall be lawful for the commi this act to use the said form, as well where the composition prise all the duties therein mentioned, or a part or parts th striking out all such part or parts thereof as may not relate to not intended to be included therein."

—

"The SCHEDULE to which this Act refers.

"No. 1.

"Notice to be used by Persons desirous of compounding for their Ass

"To , surveyor acting for the parish of , in
of , in the county of , and to the commiss
for the said division.

"Take notice, that I am desirous of compounding for assessed the powers, conditions, and provisions of an act passed in the reign of king William the Fourth on my establishment in the so of ; the particulars of which are as follows: viz.

ESTABLISHMENT.

<i>Servants</i>	.	.	.	<i>Schedule (C.) No. I.</i>
<i>Four-wheel Carriages</i>	.	.	.	<i>Schedule (D.) No. I.</i>
<i>Two-wheel Carriages</i>	.	.	.	<i>Schedule (D.) No. II.</i>
<i>Horses for Riding</i>	.	.	.	<i>Schedule (E.) No. I.</i>
<i>Race-Horses</i>	.	.	.	<i>Schedule (E.) No. III.</i>
<i>Dogs</i>	.	.	.	<i>Schedule (G.)</i>
<i>Hair-Powder</i>	.	.	.	<i>Schedule (I.)</i>
<i>Armorial Bearings</i>	.	.	.	<i>Schedule (K.)</i>

"And that I will attend to execute and receive the contract of tion when required by the commissioners.

"Signed the day of , 18 .

"Witness,

"Assessor or collector of the }
above-named parish. }

"No. 2.

"Notice to be used by Persons desirous of renewing their former C

"To the commissioners acting for the division of , in
of .

"Take notice, that I am desirous of renewing my former compo assessed taxes, under the powers, conditions and provisions of an in the fifth year of the reign of king William the Fourth, and attend to execute and receive the contract of my composition when regi

"FORM of renewed Contract of Composition for Assessed Taxes"

ESTABLISHMENT.	Amount of Duties.	
Nos.	Schedules.	
Servants . . .	(C.) No. I.	Know all men, that we, commissioners acting in the execu- tion relation to assessed taxes of , in the county of TRACTED and agreed with A. the said division, in pur- passed in the fifth year of William the Fourth, for the composition of assessee in the margin hereof: name
Four-wheel Carriages	(D.) No. I.	
Two-wheel Carriages	(D.) No. II.	
Horses for Riding	(E.) No. I.	
Race-Horses . . .	(E.) No. III.	Upon servants, horses, a of establishment, expressed therein, to additional rate granted
Dogs . . .	(G.)	
Hair-Powder . . .	(I.)	
Armorial Bearings	(K.)	
Composition Duty of £5 per Cen- tum, under Act of 59 Geo. III.		Which several amounts are collectors of the said parishes; viz.
c. 51		
The like, under Act 1 & 2 Geo. IV.		
c. 113		
Total Amount of Duties		1st instalment, on or be- fore October.
Composition Duty of £ per Centum, by 5 Will. IV. . . .		2nd instalment, on or be- fore April.
Total Amount of Composition		And so yearly during the from the fifth day of April in the said act.

"The condition of the above composition is, that the above-named cause to be paid to the collectors for the said , or one of them, on or before mentioned, upon demand, the yearly sum of by two instalments, in even their or his receipt in writing for the same; otherwise the said composition the goods and chattels of the said , or sued for and recovered by any means by which the monies due on assessments may be sued for and recovered."

"Witness,

"Clerk,

} Commissioners of the w

"Witness,

"Clerk.

} The party hereto."

"N.B.—With the consent of the commissioners, the collector of the parish signature of the party to the contract."

4. Of Com- pounding for Assessed Taxes.

5 & 6 W. IV.
c. 64.

until the first day of October, one thousand eight hundred and five, inclusive; and the respective surveyors to whom such notes have been or shall be delivered within the period limited by this act, gently inquire into and examine such notices, and certify their objection thereto at any time within one calendar month next delivery thereof respectively, or at the furthest within one month next after the said first day of October; and the respective commissioners acting in the execution of the said acts are hereby again required to enter into composition with such persons as who have given or shall within the period limited by this act give notices as aforesaid, subject to the rules, regulations, and according to the provisions of the said recited act, in like manner as if such had been delivered within the time limited by the said recited act: provided the contracts of such compositions respectively shall be made by the said commissioners and the party compounding on or before the first day of December, one thousand eight hundred and thirty-four, which contracts of compositions when executed by the said commissioners or any two or more of them, and by the party aforesaid, in the manner directed by the said recited act directed, shall be of the like force and effect, subject to the like powers and conditions for payment, to all intents and purposes as if the said compositions had been entered into under the directions of the said recited act: provided always, that upon every contract of composition executed as aforesaid after the first day of October, one thousand eight hundred and thirty-five, there shall be paid one moiety of the amount payable under the same within ten days next after the execution of such contract."

Compositions ex- tended.

The 2 & 3 Vict. c. 35, s. 1, extended compositions for assessment under 4 & 5 Will. IV. c. 54, for the further term of one year ending 5th of April, 1841. Sect. 2, except in cases where parties have notice to determine same on 5th of April, 1840.

By 3 Vict. c. 38, s. 1, compositions under the two last mentioned were further extended for one year ending 5th of April, 1842, except in cases where parties may have given notice to determine of April, 1841.

By 4 & 5 Vict. c. 26, s. 1, compositions for assessed taxes were continued for a further term of one year ending the 5th of April, 1843; in cases where parties shall give notice to determine same on the 5th of April, 1842. Sect. 2, such notice to be given on or before the 1st of October, 1842.

Tea, Hawking of. See "Hawkers and Pedlars," Vol. III
see "Excise and Customs," Coffee, Tea, &c., Vol. I

Technical Words, Statement of, in Indictment. See Vol

Tenants, Larceny by, see "Larceny," Vol. III. **Distress for non-payment, see "Distress," Vol. I.**

Tender of Amends. See "*Justices*," Vol. III.

Terriers, Proof by. See "*Evidence*," Vol. II.

7 & 8 Geo. IV.
c. lxxv.

4 Geo. II. c. 24.

10 Geo. II. c. 31.

34 Geo. III. c. 65.

29 Car. II. c. 7.
s. 2.

Recited acts of
6 Hen. VIII.,
2 & 3 P. & M.,
1 Jac. I.,
11 & 12 Will. III.,
4 Anne, 2 Geo. II.,
4 Geo. II.,
10 Geo. II.,
34 Geo. III., and
so much of
29 Car. II. c. 7.,
as prevents tra-
velling by water
on Sunday, re-
pealed.

Repeal of recited
acts not to revive
any acts repealed
by them.

Limits of this act.

Company incor-
porated (a).

Second, intituled 'An Act to explain and amend a Clause in a passed in the Second Year of His Majesty's Reign (for making more mutual several Acts relating to Watermen, Wherrymen, and Light rowing on the River Thames), so far as the same relates to Ferry and Flat-bottomed Boats:' and whereas an act was made in the year of the reign of his said majesty king George the Second, in 'An Act for regulating the Company of Watermen, Wherrymen Lightermen rowing on the River Thames, between Gravesend, County of Kent, and Windsor, in the County of Berks:' and where act was made in the thirty-fourth year of the reign of his late majest George the Third, intituled 'An Act for better regulating and govern the Watermen, Wherrymen, and Lightermen upon the River of Thames between Gravesend and Windsor;' and thereby the court of lord and aldermen of the city of London were empowered to make orders, and constitutions for the better government and regulation of watermen, wherrymen, and lightermen upon the said river Thames between Gravesend and Windsor, and to alter, repeal, and make a same, or any of the rules, orders, or constitutions then in force in manner and with the approbation therein mentioned: and whereas act passed in the twenty-ninth year of the reign of king Charles the Second, intituled 'An Act for the better Observation of the Lord's day commonly called Sunday,' it was enacted, that no person or persons use, employ, or travel on the Lord's day with any boat, wherry, or barge, except it were upon extraordinary occasion, to be alighted some justice of the peace of the county, or head officer, or some justice of the city, borough, or town corporate where the fact should be committed upon pain that every person so offending should forfeit and lose the sum of 5s. for every such offence: and whereas the purposes of the part recited acts would be better effected if the watermen, wherrymen, lightermen on the river Thames, at and between Windsor aforesaid and Yantlet Creek, in the county of Kent, were incorporated, and the laws respecting them were consolidated and amended;" it is enacted as follows:

"That from and immediately after the first day of August next after the passing of this act, all the several in part recited acts of the sixth year of king Henry the Eighth, the second and third years of the reign of king Philip and queen Mary, the first year of the reign of James the First, the eleventh and twelfth years of the reign of king William the Third, the fourth year of the reign of queen Anne, the fourth, and tenth years of the reign of king George the Second, the thirty-fourth year of the reign of his said late majesty king George the Third, and also so much of the said in part recited act of the ninth year of the reign of king Charles the Second, as prevents any person or persons from using, employing, or travelling on the Lord's day with any boat, wherry, lighter, or barge, or imposes any penalty or punishment for so doing, shall be, and the same respectively are hereby repealed."

Sect. 2. "The repeal of the said several hereinbefore in part recited acts shall not revive any acts of parliament, or any part or parts of any parliament, which have been altered or repealed by the said several acts before in part recited acts respectively, or any of them."

Sect. 3. "This act and the several provisions thereof shall extend to be construed to extend to all parts of the river Thames, from and to and including the town of New Windsor, in the county of Berks, and opposite to and including Yantlet Creek, in the county of Kent, and to all docks, canals, creeks, and harbours of or out of the said river, so far as the tide flows therein."

Sect. 4. "From and after the said first day of August next after the passing of this act, the said company of watermen, wherrymen,

(a) See the *Conservators of River Tone v. Ash and others*, (10 B. & C. 349); (*Id. 393*), as to what will constitute a company of proprietors of Bridgewater corporation, &c.

**7 & 8 Geo. IV.
c. lxxv.**

Regulations as to quorum, and voting, &c., at courts.

Master and wardens to be elected yearly by the court, and to be approved of by the court of mayor and aldermen.

Oath to be taken by the masters and wardens.

more members, being considered to have seniority according to the date in which they are or shall be named) shall preside."

Sect. 12. "No business shall be transacted at any time unless two members be present; and all business transacted at a meeting of two or more members shall be as valid in the absence of the others as if they were all present; and that a question shall be decided by the majority in number of members present, and every member shall have one vote; and in case of a division there shall be an equal number of votes on each side; and the master, warden, or other member presiding at such meeting shall have a second or casting vote; and the proceedings of every meeting shall be entered in a book to be kept for that purpose, and signed by the warden, or member who shall preside."

Sect. 13. "The quarterly court to be holden next a June in every year, shall elect one of the wardens for the said company to be the master of the said company for the year, and one other of the wardens or other members to be the senior warden of the said company for the three others of the wardens or other members of the said company to be junior wardens for the ensuing year; and the master elected shall be presented to the then next court of mayor and aldermen of the said city of London; and if the said court of mayor and aldermen shall not approve of the warden elected master, or of the senior warden, or of the members elected aforesaid, or any of them, the said court of master, wardens shall forthwith cause the clerk of the said company to summon an ordinary court, and proceed to elect, in the place of the master who shall not be approved of, another of the wardens to be master, if the warden elected shall not be approved of, and another of the members to be senior warden, if the warden or member elected be approved of, and others or another of the members to be junior warden, if the members elected junior wardens, or not be approved of, and shall present such persons so last aforesaid to the next court of mayor and aldermen which shall be holden after the said last election, and such a senior warden, and three junior wardens, to be elected as said, shall be approved of by the said court of mayor and aldermen as master of the said company, the said wardens, and assistants of the said company shall elect members of the said court to be the master of the said company, and shall in like manner be presented to the said court of mayor and aldermen for their approbation, and so on until the said court of a master elected as aforesaid; and, after such appointment, the master and wardens so elected and approved shall, upon being hereinafter mentioned, become the master and wardens of the said company, and the former master and wardens respectively elected, shall go out of office; and the said master and wardens so elected and approved as aforesaid shall continue in office until to be holden next after the first day of June then following, from thence until some other persons shall be duly elected, and sworn in in their stead respectively, or they respectively die, or be removed from being members of the said company."

Sect. 14. "No master or warden hereby appointed, approved as aforesaid, shall act in the said office until he shall, before the said court of mayor and aldermen, have taken and signed the following oath; (that is to say.)

"I, , elected and approved master [or "ward
be] of the Company of Watermen and Lightermen of the
swear, that I will faithfully perform the duties of the said
my power.

ful money ; and if he shall have been elected a member of the said the sum of 10*l.* of like lawful money ; and any sum so forfeited sha may be recovered by the court of master, wardens, and assistants said company, by an action of debt, bill, plaint, or information, br in the name of the clerk of the said company in any of his maj courts of record at Westminster, with full costs of suit, wherein no es privilege, protection, wager of law, or more than one imparlance, al allowed ; and every person who shall duly serve the said respective or make such default upon being elected thereto respectively as said shall be liable to be again elected to the same office respectively future time or times, and on such refusal or neglect as aforesaid, w reasonable excuse, satisfactory to the said court of master, warden assistants of the said company, shall be from time to time subje same penalties, as often as he respectively shall be elected and ma default as aforesaid : provided always, that no person shall be com to serve the office of master or senior warden of the said compa than once, or the office of junior warden of the said company m three times."

*Proviso as to mas-
ters and wardens.*

Clerk.

Sect. 21. "The quarterly court to be holden in every year n the first day of June shall elect or re-elect a clerk of the said c and any quarterly or extraordinary court of assistants may rem said clerk, and on the death, resignation, or removal of any cler shall be elected at the then next or some subsequent court ; and Shelton, gentleman, shall be the first clerk, and he shall continue until the said quarterly court to be holden after the first day of next after the passing of this act, or until another clerk shall be and sworn in his place, unless he shall sooner die, or resign, removed ; and the said Thomas Shelton, and every person elected shall, before the court of master, wardens, and assistants, t following oath ; (that is to say,) "

Oath to be taken
by the clerk..

"I, , do swear, that I will faithfully perform the office of Clerk Company of Watermen and Lightermen of the River Thames, to the best power.

So help me !

And every clerk shall, previously to his entering into the executio said office, give security to the master and wardens for the time with two sureties to be approved of by the court of master, warde assistants, in the penalty of 500*l.*, for the due execution thereof, : duly accounting for all monies to be received by him for the use said company by virtue of his said office."

Accounts to be
kept by the clerk.

Sect. 22. "The accounts of the said company shall be regular by the said clerk under two distinct heads, and in different books, to be entitled 'the poor's accounts,' and the other to be entitle company's accounts ;' and that the said accounts shall be audited said court of master, wardens, and assistants, at their quarterly which shall be holden next after the first day of June in every ye a committee to be by them appointed for that purpose, consisting less than five members of the said court, or oftener if occasio require."

Clerk to summon
and attend courts
and be entitled to
fees.

Sect. 23. "The said clerk shall summon or cause to be sun every member of the court of master, wardens, and assistants, to every meeting of the said court, by causing a written or printed no be left at the usual places of abode of such members respective shall attend every meeting of the said court, unless prevented by or other reasonable cause, and shall receive, on the execution of tures of apprenticeship, and assignments thereof, and on the admis freemen, such fees respectively, and also such salary, as the said of master, wardens, and assistants shall from time to time appoint

Penalty on clerk
for neglecting to
register.

Sect. 24. "If the clerk of the said company shall refuse or neg register the name and place of abode or work of any freeman, or wi a freeman, or the number of any wherry, boat, or other vessel,

**Regulation as to
the number of
apprentices.**

**No freeman or
widow to take any
apprentice under
fourteen or above
eighteen years of
age.**

**Penalty for forg-
ing or producing
false certificate
of baptism.**

**None but free-
men or widows
whose names and
places of abode
or working are
registered in the
books of the com-
pany to take
apprentices.**

**Proviso as to the
admission of appren-
tices.**

Thames.

it shall be lawful for the widow of any freeman to bind, take, and employ apprentices, in the same manner as her husband might have done living."

Sect. 29. "No freeman of the said company, or the widow of any man, shall at the same time have more than two apprentices, or a second apprentice until the first shall have served four years at the least apprenticeship, unless such freeman or widow shall be the owner of barges, lighters, or flat-bottomed craft; and every freeman or widow being the owner of such barges, lighters, or flat-bottomed craft, may have three apprentices at one time, and being the owner of twenty lighters, or flat-bottomed craft, may have four apprentices, and no more; and if any freeman or widow shall take or employ a greater number of apprentices than hereinbefore are mentioned, he or she shall, for each additional apprentice, forfeit and pay any sum not exceeding 10*l.* to the said court, for the binding of apprentices, may require proof, that the freeman or widow is *bond fide* the real owner of the number of barges, lighters, or flat-bottomed craft, in respect of which any apprentice is proposed to be taken, before the binding of such apprentice respectively."

Sect. 30. "After the first day of August next after the passing of this act, it shall not be lawful for any freeman of the said company, or widow of a freeman, to bind or take any person as an apprentice who is under the age of fourteen years, or above the age of eighteen years; no indentures of apprenticeship shall be executed unless it appears by certificate, signed by the minister or churchwardens, for the time being in the parish or place where the person to be bound was or shall be baptized, or by the oath (or affirmation, if of the people called Quakers) of a credible witness, that such person is of the age of fourteen years under the age of eighteen years."

Sect. 31. "If any person or persons shall falsely forge or counterfeite, or knowingly or willingly produce any false or forged certificate, or any false oath or affirmation, of or concerning the age of any person bound apprentice as aforesaid, he or they shall forfeit, for every offence, any sum not exceeding 10*l.*, and the indentures of apprenticeship of such apprentice shall be null and void, to all intents and purposes whatsoever."

Sect. 32. "After the first day of August next after the passing of this act, no freeman of the said company, or widow of a freeman, shall employ any apprentice or apprentices, unless he or she shall be a keeper, or have some known place of abode or of work; and every freeman, or widow of a freeman, shall, on the first day of September in every year, or within ten days afterwards, give notice to the clerk of the company for the time being, of his or her place of abode or work, so that the same may be registered; and such freeman or widow shall keep such apprentice or apprentices in the house in which he or she shall reside, and upon any application made to the clerk of the said company to know the place of abode or work of every freeman or widow as aforesaid, the same shall be registered in a book or books of the said company, kept for that purpose, without fee or reward; and if any such freeman or widow, who shall bind or employ any apprentice or apprentices, neglect or refuse to give such notice of his or her place of abode as aforesaid, or shall not lodge his or her apprentice in the same house as he or she shall reside, for every such offence, forfeit and pay any sum exceeding 10*l.*; and the apprentice or apprentices of such person shall, upon application made to the court of master, wardens, and assistants of the said company, at any of their meetings, be by them turned over to any other master or mistress, any indenture, covenant, or agreement to the contrary notwithstanding."

Sect. 33. "Nothing herein contained shall extend to prevent any man, or the widow of any freeman, being the owner or master of a Gravesend boat, decked sailing-barge, or other decked craft or vessel."

feit and pay for the first offence, for every person or passenger exceeding such number, any sum not exceeding 40s.; and every person or persons who shall offend in the premises a second time, and be thereof convicted, shall be disfranchised, and shall not be allowed to work, row, or navigate any wherry, boat, or other vessel, or to enjoy any of the privilege of a freeman of the said company, for the space of twelve calendar months, and in case any greater number of persons or passengers shall be carried and carried in any such wherry, boat, or other vessel, than are respectively allowed to be carried therein as aforesaid, and any one or more of whom shall by reason thereof be drowned, every person or persons who shall work or navigate such wherry, boat, or other vessel, offending and being thereof lawfully convicted, shall be deemed guilty of a misdemeanour, and shall be liable to such punishment as in cases of a misdemeanour, at the discretion of the court before whom such offender shall be tried and convicted; and every such person so convicted shall be disfranchised, and not allowed at any time thereafter to work or navigate any wherry, boat, or other vessel, or to enjoy any of the privilege of a freeman of the said company: provided always, that no licence shall be granted by the said master, wardens, and assistants, to any person in the said company, or the widow of any freeman, residing at Gravesend or at Milton next Gravesend, to use and work for hire any wherry, barge, or other vessel for carrying more than ten persons or passengers, unless he or she shall produce a licence from the mayor, jurats, and common council of Gravesend, together with a certificate of his or her being a fit and proper person for that purpose."

The names of persons keeping boats, &c. for carrying goods, without passengers (except as aforesaid), and also the names of such boats, to be registered in the books of the company.

The names and numbers of such boats to be painted thereon.

Names of owners residing out of the limits of the act to be painted on their lighters, &c. navigated within the limits.

Sect. 39. "The said court of master, wardens, and assistants, upon request in writing, addressed to the clerk of the said company, and to the hall of the company, or the office of such clerk, of every person or persons who now keep or shall hereafter keep on the said river, within the limits of this act, any lighter, barge, or other boat or craft, used or used for the carrying of goods, wares, or merchandize, without passing from or to any place or places, ships or other vessels, (except as aforesaid,) shall cause the name or names and place or places of abode of such person or persons, and also the name or names by which any such lighter, barge, boat, or other craft for carrying goods, wares, or merchandizes, shall be called or designed to be called, to be duly entered in a book or books to be kept by the clerk of the said company for that purpose, to whom every such person or persons shall pay, for the use of the said company, 1s. for each lighter, barge, or other boat or craft for every such registry, and shall also cause a number for such lighter, barge, or other boat or craft respectively, to be forthwith delivered by the said clerk to such owner or owners, who shall cause the same, together with the name or names of the said lighters, barges, and other boats or craft, to be painted white on a black ground, in capital letters and figures to be not less than six inches long, and broad in proportion, and the letters not less than four inches long, and broad in proportion, such figures and letters to be painted on the hudds boards of barges, on the bows of lighters and other craft, and to be preserved as legible, so as to be plainly seen in the day-time by persons passing the said river; and no person or persons shall have two lighters, or other boats or craft of the same name; and if any such lighter or other craft shall be worked or navigated without being registered without the number and names being painted and legible as above, the owner or owners thereof shall for every such offence forfeit any sum of money not exceeding 40s."

Sect. 40. "Every person not residing within the limits of this act, who now keeps or shall hereafter keep any lighter, barge, or other boat or vessel, used or to be used for the carrying of goods, wares, or merchandize, which may be navigated on the said river within the limits of this act, shall cause his or her name and place of abode, and also the names by which any such lighter, barge, or other boat, craft, or

Thames.

same according to the highest bidder or bidders, who shall to their satisfaction for payment of the rent or sum or sums by him or them for such plying and working; and that whom the said court shall appoint to ply and work as a person or persons who shall take such plying or working person or persons employed by or under him, shall demand any person or persons whom he or they shall ply to or said river, any greater sum of money than 2d. for each person shall forfeit and pay for every such offence any sum not less than

Sect. 44. "Provided that, if any person or persons to
ply and work, or taking such plying and working to fit
shall employ, or wilfully permit or suffer any other person
employed, in plying or working as aforesaid, until such
person or persons, and the boat or boats to be used by him
have been approved of for that purpose by the said court
dens, and assistants, he or they shall for every such offence
pay a sum not exceeding 5l."

Sect. 45. "Provided that nothing herein contained shall authorize or empower the said court of master, wardens, and any other person or persons whomsoever, to appoint any or grant any licences to any watermen or others to ply on or about a Sunday, from or at the stairs on either side of the bridge, or at any stairs or other place within two hundred yards of the said bridge, so as to interfere with, prejudice, or affect the convenience to be taken for crossing the same."

Sect. 46. "No freeman of the said company, nor an
freeman, or to the widow of a freeman of the said company
shall be appointed as aforesaid, shall ply for, or take or carry
at or from any common stairs or place of plying on either
river at and below London Bridge, at which the said company
watermen to ply and work as aforesaid, any fare or passage
said river, or to either of the two common stairs or places
opposite side of the said river next above or next below the
at which such freeman or apprentice shall ply, nor to any
to which the fares and passengers taken at such several
common stairs and places of plying are usually conveyed
appointed or to be appointed by the said court to ply and
any ship, vessel, or craft lying or being on the said river without
of such two other stairs or places of plying, on pain of
paying for every such offence any sum of money not exceeding

Sect. 47. "It shall be lawful for the justices of the peace for the corporation, villages, and parishes of Gravesend either of them, to grant licences, at their or his discretion, to the freemen of the said company residing at Gravesend, the apprentices of such freemen, or the widows of such freemen, at Gravesend, to carry goods and passengers for hire at a time and on Sundays; and such licence shall continue in force for a term to be therein expressed: provided nevertheless, that if either of the justices, or either of them, shall have power and authority to recall such licences before the expiration of the time respectively to be expressed for the continuance of the same.

Sect. 48. "The fares or sums of money to be taken freemen and apprentices licensed to work at Gravesend shall be paid by them to such persons as the said court dens, and assistants of the said company shall from time for that purpose; and out of the said monies such sums shall from time to time think proper and fix, shall be paid to a freeman and apprentice for his day's labour, and the sum be distributed twice in every year to or for the benefit of the said company residing at Gravesend, and the widow residing at the same place, under such regulations and in

**Persons farming
the same to em-
ploy no person
who has not been
approved of by
the court.**

**Sunday ferries
not to be ap-
pointed within
200 yards of
Vauxhall Bridge.**

**Watermen not to
ply or work on
Sunday, below
London Bridge,
at the plying
places next above
and below any
Sunday ferry.**

**Justices at
Gravesend to li-
cense watermen
to work on Sun-
days.**

**Application of
fares received at
Gravesend on
Sundays.**

7 & 8 Geo. IV.
c. lxxv.

subject to a penalty, and not entitled to their fare.

The court empowered to regulate the affairs of the company.

Court may make by-laws.

Court of aldermen empowered to make by-laws, and alter by-laws made by the court of the company.

don and Gravesend, shall wilfully or negligently lose the ton shore for the taking in of any other passenger or passengers or by loitering on the voyage or by the way, or if the passengers of them, of any such vessel or boat, shall be put out or the place to which such vessel or boat shall have been vessels detained by want of wind only excepted,) then and case such passengers or passenger are hereby discharged their or his respective passage-money, and the waterman shall forfeit and pay for every such offence any sum exceeding 40s., and shall also be liable to be sued or prosecute the party injured, in such manner as if no penalty had been this act."

Sect. 55. "The said court of master, wardens, and assistants have full power to superintend, regulate, and control all concerns of the said company, and to order and dispose of their common seal, and the use and application thereof

Sect. 56. "It shall be lawful for the said court of master, wardens, and assistants, and they are hereby empowered, from time to time to make and set down in writing such rules or by-laws as shall be proper for the good government of the said company, and fixing the fees which shall be taken on the binding of apprentices, assignment of them, and the admission of members, and subscriptions, for the better maintenance of the company, and the other sums to be paid by the freemen, and for regulating the expenses of the said company, and their widows and apprentices, a other craft to be worked or rowed by them within the limits, and to annex reasonable penalties and forfeitures for the breach of rules or by-laws respectively, not exceeding the sum of 5l. for any one offence, provided the same rules or by-laws be not inconsistent with the laws of this kingdom, or the provisions and directions contained, or any of them, or any rules or by-laws to be made by the said court of mayor and aldermen by virtue of this act, and also from time to time to alter, amend, repeal, or void such rules or by-laws, or any of them, as to the said court of master, wardens, and assistants, in their discretion shall seem meet, so as after altering, amending, or repealing thereof respectively, the rules to be made by the said court of master, wardens, and assistants, every such alteration, amendment and repeal, be approved at time to time, by the said court of mayor and aldermen, every such approval be allowed as hereinafter is mentioned.

Sect. 57. "It shall be lawful for the said court of master, wardens, and assistants, and they are hereby empowered, from time to time to make and set down in writing such rules and by-laws as they shall think necessary for the government and regulation of the freemen of the said company, and their widows and apprentices, and the boats, vessels, and craft to be rowed or worked within the limits of this act, and to annex reasonable penalties and forfeitures for the breach of such rules or by-laws respectively, not exceeding the sum of 5l. for any one offence, provided the same rules or by-laws be not inconsistent with any of the laws of this kingdom, or the provisions and directions in this act contained, or any of them; and also from time to time to alter, amend, or void such rules and by-laws, or any of them, or any rule or by-law which shall have been made at any time or times by the said court of master, wardens, and assistants, and approved and allowed as before and hereinafter is mentioned, so as, after the making, amending, or repealing thereof respectively, the said rules to be made by the said court of mayor and aldermen, every such alteration, amendment, and repeal of any such rules or by-laws to be made, altered, or amended by the said court of master, wardens, and assistants, and approved, altered, or voided as hereinafter

7 & 8 Geo. IV.
c. lxxv.

Penalty on de-
manding more
than the fare.

List of fares to be
advertised and
made public.

Lists of fares to
be put up at cer-
tain plying places
between Chelsea
Bridge and Green-
wich, and also
half mile posts
or piles westward
of Chelsea Bridge
and eastward of
Greenwich.

under the hands of three of the said privy council at the fares or prices, or any alteration therein, shall be valid, un- shall have been allowed as aforesaid."

Sect. 62. "Every freeman of the said company, and every a freeman, or of the widow of a freeman, who shall demand his or their labour or fare, within the limits of this act, more prices or sums to be limited and fixed by the said court of aldermen, and allowed as aforesaid, shall forfeit and pay for offence any sum not exceeding 40s.

Sect. 63. "The said court of mayor and aldermen shall cause the fares or prices to be from time to time limited or fixed within thirty days next after the same, or any alteration there been allowed by three or more of the privy council as aforesigned, and advertised in the London Gazette and two London newspapers to be printed and sent to the several public offices established by parliament for the administration of justice in the counties ofsex and Surrey."

Sect. 64. "The said court of master, wardens, and assistants shall cause a list of such of the fares and prices to be from time to time limited or fixed, and advertised as aforesaid, as they shall think fit, painted on boards in legible characters, of such height and thickness as to be easily seen, and set up or affixed at or near such of the plying places within the limits of this act, in such situations and in such manner as the said court of mayor and aldermen shall from time to time direct; and shall also cause piles to be placed or driven in or near the banks or sides of the Thames, between Chelsea Bridge and Teddington Lock, Greenwich Hospital stairs and Woolwich, and at such other places within the limits of this act, as the said court of mayor and aldermen shall from time to time direct, at the distance of half a mile from each other, letters and figures thereon, denoting the distance of every pile from Chelsea Bridge or Greenwich Hospital stairs respectively; the letters and figures to be not less than four inches long, and one inch high, and to be made of cast iron, raised on an iron plate in another manner, and to be erected in such situations, as the said court of master, wardens, and assistants, shall from time to time direct; and shall renew such boards and posts or piles, and keep and continue the list of fares, and letters and figures thereon respectively; and if the said court shall neglect to set up or affix such board at any place where the same shall be directed to be set up or affixed, or shall drive any such post or pile as aforesaid, or shall not, within ten days after notice in writing from any person or persons, direct the said court, shall be left with the clerk of the said company, or at the Hall, that any such board, post, or pile has been destroyed or defaced or become illegible, renew or repair, or render the same (as the case may require), the said court for every such offence shall forfeit and pay the sum of 25l., the whole whereof shall go to the persons who shall inform or sue for the same; and if any persons shall wilfully break, cut down, pull up, or damage any post, or pile, or obliterate, deface, spoil, or destroy all or any part of the list, letters, figures, or marks which shall be painted thereon, he or they, being thereof lawfully convicted, shall be guilty of a misdemeanour, and be liable to such punishment for misdemeanours, at the discretion of the court before whom he or they shall be tried and convicted; and on the conviction of the offender, the said court of master, wardens, and assistants shall give him or them 20l., as a reward to the person or persons who shall inform of the offence, and also pay all the costs in or relating to the prosecution of the offender or offenders; and any penalty hereby inflicted on any person for not setting up, affixing, or placing, or renewing any such

7 & 8 Geo. IV.
c. lxxv.

Penalty on watermen preventing persons reading the names or numbers, or refusing to state their names, or using abusive language.

Saving the powers of the master, &c., of the Trinity House in licensing mariners.

Corporation of the Trinity House to have the same power to make by-laws for their mariners, as is vested in the court of aldermen with respect to watermen.

Copy of intended by-laws and alterations of the Trinity House to be sent to the town clerk of London and the Watermen's Company, thirty days before allowed by the judges.

Mariners licensed by the Trinity House to be limited to the same fares as watermen.

passenger or passengers, shall lawfully direct ; then, and in every case, every such freeman or apprentice so offending shall for every offence forfeit and pay any sum not exceeding 5l."

Sect. 69. "If any freeman of the said company, or any apprentice, or any other person whomsoever, shall refuse to permit or suffer any person or persons to read, or shall in anywise hinder any person or persons from reading, the name and number painted on any wherry, boat, or vessel aforesaid, or if any such freeman or apprentice shall refuse to tell his christian or surname, or the number of his boat, to any person who shall demand the same, on being paid any fare or price, or answer to such demand, give a false name or names, or number, or make use of any scurrilous or abusive language to any passenger or person ; then, and in every such case, every such freeman or apprentice, other person so offending, shall forfeit and pay for every such offence sum not exceeding 5l."

Sect. 70. Provided, "That nothing in this act contained shall extend to abridge or alter any of the powers or authorities vested in the master, wardens, and assistants of the Trinity House of Deptford Strand, in any by an act of parliament made and passed in the eighth year of the reign of queen Elizabeth, intituled, 'An Act concerning Sea-marks and Mariners ;' nor shall any mariner or mariners, licensed or to be licensed by the said master, wardens, and assistants of the Trinity House, to row or use any boat or wherry on the said river Thames, or any of the men employed by the said master, wardens, and assistants of the Trinity House, to rowing or using any ballast lighters or boats on the said river, be subject by reason of any matter, clause, or thing herein contained, to the rules, or government of the said court of mayor and aldermen, or of the master, wardens, and assistants of the said company, or to any penalties imposed by this act, except as hereinafter is mentioned."

Sect. 71. Provided, "That the said master, wardens, and assistants of the Trinity House of Deptford Strand shall have such and the like power and authority to make and set down in writing, alter, amend, repeal, make void, rules and by-laws for the government and regulation of mariners licensed or to be licensed by them, and the men employed by them on the said river, and the boats, vessels, and other craft to be rowed and worked by such mariners and men, as is hereinbefore given to the said court of mayor and aldermen with respect to the government and regulation of the freemen of the said company, and their widows and apprentices ; and such rules or by-laws shall be approved or altered, and advertised, in the like manner as is hereinbefore required with respect to the rules or by-laws to be made by the said court of mayor and aldermen."

Sect. 72. Provided, "That when and as often as any rules or by-laws shall be made or altered by the said master, wardens, and assistants of the Trinity House as aforesaid, a copy of such intended rules and by-laws, or alterations, shall be sent to and left with the town-clerk of the city of London, or at his office, and another copy thereof with the clerk for the time being of the said company, or at Waterman's Hall, for the perusal of the said court of mayor and aldermen, and the said court of master, wardens, and assistants respectively, at least thirty days before the same shall be allowed by the justices or barons aforesaid, or any one or more of them as aforesaid, in order that the said court of mayor and aldermen, and the said court of master, wardens, and assistants, or either of them, may submit their objections (if any) to such intended rules and by-laws, or alterations, to the consideration of the said justices or barons, or any one or more of them, who shall have been requested as aforesaid to peruse and examine the same, before such intended rules, by-laws, or alterations shall be allowed, as aforesaid."

Sect. 73. Provided, "That the prices or fares to be limited and fixed by the said court of mayor and aldermen, and allowed and advertised as aforesaid, shall be binding upon the mariners licensed or to be licensed by the said master, wardens, and assistants of the said Trinity House ; and they shall be subject to the like penalties for demanding and taking

7 & 8 Geo. IV.
c. lxxv.

not being more than seven days from the time of taking
rity, and which security the said lord mayor, recorder, a
tice, is hereby empowered to take by way of recognizanc
but if, upon the return of such warrant, it shall appear i
distress can be had thereupon, then it shall be lawful for
recorder, alderman, or justice, and he is hereby authoriz
by warrant or warrants under his hand and seal, to cau
or offenders to be committed to the common gaol or ho
of the city, county, liberty, or place where the offender s
there to remain without bail or mainprize for any time n
calendar months, unless such penalties and forfeitures
all reasonable charges attending the same, shall be i
satisfied."

Constables not to
take watermen,
&c. out of their
boats, till moored.

Lord mayor, &c.
to summon per-
sons refusing to
pay their fare,
and order pay-
ment, &c.

Sect. 75. Provided, "That no constable or other officer
of any such warrant, apprehend or take any freeman, c
mariner, out of any boat or craft which they respectively i
on board of, rowing or navigating, until such boat or cr
moored, unless there shall be sufficient hands on board
gate, or take care thereof; and notice of this provision
in every such warrant for the information of the constab
who may have the execution thereof."

Sect. 76. "If any person or persons shall refuse to pa
the said company, or any apprentice, or any mariner, l
licensed by the said corporation of Trinity House, as afor
justly due to him or them for carrying any such person
boat or boats, according to the fares or prices which shall
and published, as aforesaid, it shall be lawful for the
recorder, or any alderman or justice, as aforesaid, withi
tion as aforesaid such refusal shall be made, and he is
upon complaint made of any such refusal, to summon
persons to answer the said complaint, by causing such
served personally, or by leaving the same at his, her, or t
respective place of abode; and if any person or persons,
moned, as aforesaid, shall refuse or neglect to appear an
complaint or complaints made against him, her, or them,
such payment as last hereinbefore is mentioned, it shall
said lord mayor, recorder, alderman, or justice respect
spective jurisdiction as aforesaid, and he is hereby requ
warrant for apprehending such person or persons, upon
of such his, her, or their refusal, as aforesaid, and servi
mons, and to cause the party or parties so offending to b
him or them; and the party or parties accused being
mayor, recorder, alderman, or justice respectively, eith
such summons or of such warrant, as last hereinbefore
respectively is hereby authorized and required, upon du
such refusal of payment unto any freeman, or apprentic
the money justly due to him for carrying the person or
in his boat or boats, upon oath or upon confession of the
to order payment of such sum or sums of money whic
man, or apprentice, or mariner, shall appear to be entitle
award reasonable satisfaction to be made to him or them
loss of time and costs, in the discretion of the said lord
alderman, or justice respectively; and if the said perso
offending shall not pay such sum or sums of money, and
sonable satisfaction (if awarded) as aforesaid, it shall b
said lord mayor, recorder, alderman, or justice respecti
the person or persons so refusing to some prison within
London, or the said several counties or places adjoining to
Thames, there to remain for any space of time not exceed
month, unless the sum or sums of money ordered and a
said shall be sooner paid."

therein is mentioned : and I do adjudge him to pay and forfeit for the sum of , being the penalty by him forfeited, and also the sum , for loss of time and costs [if awarded, as the case may be], or to be paid to , for the space of . Given under my hand and seal, and year aforesaid."

79. "In case any freeman, or the widow of any freeman, or any Member of the court of the company to hear and determine complaints between watermen and watermen.

or of a freeman, or of the widow of a freeman of the said company, make complaint to the said master, wardens, and assistants, for the wronging, of the said company, or any two or more of them, against any such freeman, widow, or apprentice, for any offence or misbehaviour under this act, or any of the said rules or by-laws to be made and applied as aforesaid, it shall be lawful for the said master, wardens, and assistants, or any two or more of them (as well as for the said lord mayor, alderman, or justice, respectively hereby authorized as aforesaid), to be hereby required to hear and determine concerning any such offence or misbehaviour, and convict the offender, as hereinafter is mentioned directed (that is to say); in every such case it shall be lawful for the master, wardens, and assistants, or any two or more of them, upon information made by any such freeman, widow, or apprentice, as aforesaid, of such offence or misbehaviour, within thirty days after the committing thereof, to cause the freeman, widow, or apprentice, offending as aforesaid, to be summoned personally, or by leaving such summons at his, their last or usual place of abode, to appear and answer to the said master, wardens, and assistants being before the said master, wardens, assistants, or any two or more of them, to hear and examine upon oath the complainant, or any witness or witnesses, touching such offence or misbehaviour, and determine concerning the same; and if the freeman, widow, or apprentice accused shall be convicted of any such offence or misbehaviour, it shall be lawful for the said master, wardens, and assistants,

R

- VI.

or any two or more of them, and they are hereby required, fine upon such offender for the said offence or misbehaviour, in the penalty or penalties inflicted or to be inflicted by this act rules or by-laws to be made and approved of as aforesaid, or and if the freeman, widow, or apprentice convicted, shall not suffer the penalty or forfeiture so imposed upon him, her, or them lawful for the said lord mayor, recorder, or any alderman or aforesaid, within whose jurisdiction, as aforesaid, the said offence or behaviour shall have been committed, and he is hereby required to give production to him or them respectively, of such conviction writing, to issue his warrant for apprehending such freeman or apprentice, and to cause such penalty or forfeiture to be paid to commit the party convicted, in the same manner in all hereinbefore expressed with respect to any party who shall be or before the said lord mayor, recorder, alderman, or justly: and such conviction by the said master, wardens, and any two or more of them, shall be drawn up in the following words, or in any other form of words to the same effect (that

Form of conviction by the court of master, wardens, &c.

" } Be it remembered, that on this day of
to wit. } year of his Majesty's reign, A. B. is convicted [describe the master, wardens, or assistants, as the case may be], of [name of Watermen and Lightermen of the river Thames, for [here offence]]; and we do adjudge him to pay and forfeit for the sum of . Given under our hands and seals, the day and year said."

Penalty on persons summoned not appearing

Sect. 80. Provided "that if any party summoned by the wardens, and assistants, or any two or more of them, shall neglect to appear and answer the complaint made against him or her, assigning a reasonable cause for such refusal or neglect, to be by the said master, wardens, and assistants, or any two or more of them, he or she shall, for such refusal or neglect, forfeit and pay money not exceeding 20s."

Jurisdiction of the court of the company not to extend to any but freemen.

Sect. 81. Provided "that the jurisdiction or authority heretofore given to the said master, wardens, and assistants, or any two or more of them, shall not be construed to extend to the conviction of any person who shall not be a freeman of the said company, or the widow or wife, or the apprentice of any such freeman or widow."

As to apprentices imprisoned for offences against this act.

Sect. 82. "Every apprentice to any freeman, or to the widow or wife, or to the apprentice of any such freeman or widow, who shall be imprisoned for any offence against this act, or the rules or by-laws as aforesaid, shall serve as an apprentice to the master or mistress, not only till the expiration of the term for which he or she was bound, but also for and during such further space of time, to be from the end of the said term, as shall be equal in duration to the space of time during which such apprentice shall have been imprisoned; and that no such apprentice shall be considered as having served his apprenticeship, or entitled to the privileges and benefits of apprenticeship, until he shall actually have served such further time; any agreement concerning such apprenticeship, or any custom, to the contrary notwithstanding."

Mayor, &c., may administer oaths.

Sect. 83. "In every case in which any oath is by this act required to be made or taken, or any matter or thing is directed to be proved before the said lord mayor, recorder, or any alderman, at any court of aldermen, or the said lord mayor, recorder, aldermen, and justices, or the said master, or one of the wardens or assistants of any court of master, wardens, and assistants, or any court of justices and the admission of freemen, or any two or more of them, before whom such oath is hereby required to be made or taken, or such matter or thing to be proved, shal-

7 & 8 Geo. IV.
c. lxxv.

for damages
done to any boat
or craft, not ex-
ceeding £1.

damage, injury, or spoil, to or upon any lighter, barge, boat, wherry or other vessel or craft within the limits of this act, and shall be thereupon convicted within three months next after the committing before the said lord mayor, recorder, or any alderman whose jurisdiction as aforesaid such offence shall have either by the confession of the party offending, or by the more credible witness or witnesses, or of the party aggrieved, every person so offending, and being thereof convicted, shall forfeit and pay to the person aggrieved such sum as shall appear to such lord mayor, recorder, alderman, a reasonable satisfaction and compensation for the damage so committed, not exceeding in any case the sum of £1, which sum of money shall be paid to the person or persons aggrieved, then and in such case such satisfaction and compensation to be paid to the overseer or overseers of the poor of the corporation, together with all costs, charges, and expenses attending, such lord mayor, recorder, alderman, or justice shall appoint at their discretion, such offender or offenders to the common gaol correction, there to be kept to hard labour for any time not exceeding three calendar months, unless such penalty, costs, and compensation be sooner paid and satisfied."

Appeal.

Penalties may be mitigated.

Sect. 90. "If any person or persons shall think themselves aggrieved by any conviction of the said lord mayor, recorder, or any alderman, or justice, or any of the said masters or assistants respectively, on account of any offence committed against this act, or against any by-laws as aforesaid, such person or persons may appeal the peace at the next general or quarter sessions to be held in the place where such cause or appeal shall arise, or if such sessions be held within ten days after such conviction, then such person or persons may appeal either to such next general or quarter sessions following such next general or quarter sessions, provided persons at the time of such conviction shall enter into with one sufficient surety, in the sum of 20*l.*, to prosecute with effect, and to abide by the order or orders which may be made in such appeal; and the said justices are hereby authorized to take cognizance thereof, and to hear and determine such appeal, and may, if they see cause, by order of such sessions, in their discretion, all or any part of the penalties or forfeitures incurred by the party or parties appealing, or vacate or set aside such conviction, or otherwise may ratify or confirm such conviction as to them, in their discretion, shall seem reasonable by their order or warrant such penalties or forfeitures and by distress and sale of the goods and chattels of the party who shall refuse to pay the same, and for want of such payment such person or persons to the common gaol for the said county or place where the cause of appeal shall arise, for any time not exceeding two calendar months, or until payment of such penalties or forfeitures and costs."

Proceedings not to be quashed for want of form.

Sect. 91. "No proceedings to be had touching the conviction of any offender or offenders against this act, or any matter or thing to be done or transacted in or relating to the execution of this act, shall be vacated or quashed for want of form only, or be removed or removable by certiorari, or any other writ or process whatsoever, into any of his majesty's courts of record at Westminster, any law or statute to the contrary notwithstanding."

gilt without fourteen days' notice thereof having been given or after sufficient amends tendered as aforesaid, or if any suit shall not be commenced within the time lastly before it be brought in any other county, city, or place than where action shall have arisen, then and in any of such cases the shall find a verdict for the defendant or defendants; and dict, or if the plaintiff or plaintiffs shall become nonsuit, or sue his or their action or actions after the defendant or all have appeared, or if upon demurrer judgment shall not the plaintiff or plaintiffs therein, then and in any of esaid, the defendant or defendants shall have double costs, Double costs. such remedy for recovering the same as any defendant or th or may have for his or their costs in any other cases by now as to double costs, the 5 & 6 Vict. c. 97, s. 1 & 2, " Vol. III.]

rovided "that nothing in this act contained shall extend or Saving rights of o extend to prejudice or derogate from the rights, interests, city of London. franchises, or authorities of the mayor and commonalty and city of London or their successors, or the lord mayor of the te time being, or to prohibit, defeat, alter, or diminish any ity, or jurisdiction which at the time of making this act the d commonalty and citizens, or the said lord mayor for the i conservator of the river Thames, did or might lawfully exercise."

rovided "that nothing in this act contained shall extend to Saving the Duke taking away, abridging, hindering, prejudicing, or other- of Richmond's right to hold a court at Graves- r impeaching of any right belonging to or lawfully claimed end, called *Christie Curfew Augea*. Charles, Duke of Richmond and Lennox, lord of the manor

7 & 8 Geo. IV.
c. lxxv.

of Gravesend, his heirs, executors, administrators, or assyng of a certain court within the said manor, called Cm or the Court of the Watercourse, for the better gover boats, and vessels using the ferry or passage from the to to London, and of the persons owning or working the other rights, liberties, powers, and privileges whatsoever said late duke, his heirs, executors, administrators and to the said ferry or passage, or to the barges, tilt-boats and vessels using the said ferry or passage, or plying at said town of Gravesend, or the persons owning or work otherwise howsoever."

Saving the liber-
ties of the inhab-
itants of Graves-
end.

Sect. 96. Provided "that nothing in this act containe the lessening, taking away, abridging, hindering, prej peaching of any grants, liberties, franchises, custom usages, now or heretofore lawfully used, held, or enjoye jurats, and capital inhabitants of the villages and parist and Milton in the county of Kent, touching, concernin the passage and ferry upon the said river Thames, from and parishes to the said city of London, or touching o government of the said passage or ferry ; but that the sa and inhabitants, and their successors, shall and may do and every such lawful act and acts, powers and auth the said passage and ferry, and the government thereof, could have done if this act had not been made ; anything to the contrary thereof in anywise notwithstanding."

Saving the right
of the watermen
of St. Margaret's
and of St. John's,
Westminster.

Sect. 97. Provided "that nothing in this act containe hinder or prevent the watermen of the parishes of St. I John, Westminster, from plying or working cross the ri Westminster Bridge to Standgate, and from the Horsel Bridge, on every Sunday, and taking the fare of 1d. for in their several turns, as they have been accustomed and the money earned by them or any of them on that day, i to be from time to time employed for the use of the poo and maimed watermen and their widows, of the parishes and St. John, Westminster ; and any two justices of said parishes are hereby authorized from time to time t men so working to account for the monies by them ear day as aforesaid, and cause the same to be applied an aforesaid ; and that the said watermen of the said par garet and St. John for the time being shall choose tw clerk, on the 23rd day of April in every year, yearly, shall happen to be on the Lord's Day, and in such case day ; and such watermen of the said parishes, or the m which shall be present at a meeting of their society, shall power to appoint such of the watermen of the said pa their respective turns work on the Sunday as aforesaid : or apprentice shall ply or work cross the said river at places on a Sunday, except the watermen of the said watermen to be appointed by the said master, wardens, the said company, on alternate Sundays."

Saving the rights,
&c., of commis-
sioners of West-
minster Bridge.

Sect. 98. Provided "that nothing in this act containe be construed to extend to take away, lessen, abridge, h impeach, interfere with, or in any manner affect any e interest, liberty, privilege, power, or authority, which th of Westminster Bridge have or are entitled to in or in to the three several and respective Sunday ferries across from Westminster Bridge to Standgate, and from the Hc beth, and from Millbank to Vauxhall, or any or either other estate, right, title, interest, liberty, privilege, pov whatsoever, of, belonging, or in anywise appertaining missioners, but that all estates, rights, titles, interests, lib

ovided "that, if such person or persons shall carry, or but not let them
ied, in his or their lighter or lighters, or other large craft, out for hire, or
r passengers for hire, or any goods, wares, or merchan- permit others to
r otherwise than their own as aforesaid, or shall row in or row them, not
mit or suffer any person or persons to row in, navigate, being freemen or
h vessel or vessels, who is not a freeman, or an appren- apprentices.
tn, or to a widow of a freeman of the said company, he
for any such offence forfeit and pay any sum of money
DL."

Nothing in this act contained shall prevent any owner or Owners of lay-
ors, or lessees of laystalls, from carrying off the soil from stalls, market
; in such lighters or vessels, and by such persons as have gardeners, &c.,
accustomed ; or any owner or owners, or proprietors of may use boats as
in bringing chalk in such hoy or vessels, and by such heretofore,
hitherto been accustomed ; or any gardener from bring-
geta of the cities of London and Westminster, and the
their own fruit, herbs, roots, and other produce of their
and dung, in their boats, and by their own servants, as
wly been accustomed ; or any fisherman from using his
ts for the purpose of his business ; nor any ballastmen
vessel for digging, getting, and carrying any ballast ; and
employed, or working, or navigating any lighters, hoy,
craft, for any of the purposes aforesaid, shall be subject
malties or forfeitures imposed by this act, or by any rules
or to be made as aforesaid, except as hereinafter is men-

ovided, "that if any such owner or owners, proprietors, but to be subject

7 & 8 Geo. IV.
c. lxxv.

to a penalty if
they carry pas-
sengers or goods
for hire.

By-laws of the
court of aldermen
extended to all
boats and vessels.

Public acts.

Further provi-
sions as to offen-
ces, &c. on the
Thames.

Disputes about
wages of barge-
men, &c.

lessees, or gardeners, fishermen, ballastmen, or his or their carry, in any such lighters, vessels, or boats, any passenger or any kind of goods, wares, or merchandize, for hire, or and on their own account, he and they shall for every such and pay any sum not exceeding 10*l.*"

Sect. 106. Provided, "that the powers given by this court of mayor and aldermen to make rules and by-laws, t aforesaid, shall extend, and are hereby extended, and ma the government and regulation of the western barges, ferrie boats, and vessels of woodmongers and owners of laystal gardeners, fishermen, and ballastmen, and all other light vessels in the said river, within the limits of this act, altho exempted from the provisions of this act."

Sect. 107 makes it a public act.

The 2 & 3 Vict. c. 47, (The Metropolitan Police Act,) c tions as to the Thames police and for the prevention of o river. See title "*Police*," Vol. V.

By the 2 & 3 Vict. c. 71, s. 37, all differences, complaint which shall happen between any bargemen, lightermen, lastmen, (except Trinity ballastmen), coal-whippers, coal-lumpers, riggers, shipwrights, caulkers, or other labourer hire in or upon the Thames, or the docks, creeks, wharfs, q adjacent, not being in the city of London or the liberties i owners, masters, or commanders of vessels, or their ager river, or the docks or creeks thereunto adjoining, or the ingers, or occupiers of such wharfs or quays, or their a employers, respecting wages or money due to such labour loss of time, whether the same persons be employed for a or in any other manner, may be heard by any of the sai and every such magistrate is empowered to examine upon labourer, or any other witness or witnesses, touching any or dispute, and to make such order for payment of so n money to such labourer as to the magistrate shall seem that the sum ordered do not exceed 5*l.*, besides costs. Se

Theatre. See "*Players*," Vol. V. "*Conspiracy*," V
orderly House," Vol. I.

Theft. See "*Larceny*," Vol. III.

Theftbote. See "*Felony*," Vol. II.

aid, or abet the commission of the said offences, or any of
I forcibly rescue any person being lawfully in custody of any
person for any of the said offences,] every person so offend- Punishment for.
reof lawfully convicted, shall be adjudged guilty of felony,
able, at the discretion of the court, to be transported beyond
the seas, or for such term not less than seven years, as the court
or to be imprisoned only, or to be imprisoned and kept to
the common gaol or house of correction, for any term not
less than seven years." The parts of this enactment between brackets,
which tends to extort money, &c., are repealed by the 7 & 8 Geo.
re-enacted by the 7 & 8 Geo. IV. c. 29, s. 8, *post*, 252.
ict be already under sentence of transportation or imprison-
tence may commence after the expiration of the former sen-
Geo. IV. c. 28, s. 10, *ante*, "Malicious Injuries to Property,"

c. 6 Vict. c. 38, s. 1, this offence cannot be tried at the Not triable at
sessions. (See "Sessions," Vol. V.) sessions.

ngly and wilfully.]—Proof of a prisoner's delivering a threat- Knowingly and
ealed up, to a person to carry to the post-office, will afford wilfully.
idence of his knowledge of its contents. (*R. v. Girdwood*,
1120; 1 *Leach*, 142, S. C.)

If prior and subsequent letters between the prisoner and the
said may be received, to explain the intention of that on which
it is framed. (2 *Leach*, 749.)

was indicted for sending a threatening letter; the only evi-
him was his own statement that he never should have written
G. —It was held, not sufficient. (*R. v. Howe*, 7 C. & P. 268.)

1. To murder,
or to destroy,
&c. Property.

What a sending
or delivery.

Send or deliver.]—Dropping a letter in a man's way, then picking it up, is a sending it to him. (*R. v. Wagstaff, R. & R. C.*)

In *Lloyd's case* (2 *East's P. C.* 1122), the letter was dropped in a room, frequented by the prosecutor every Sunday morning, picked up by the sexton, and given to the prosecutor; a witness Yates had no doubt but this was a sending, within the act.

So, in *Jepson and Springett's case* (*Id. post*, 251,) the letter was dropped into the prosecutor's yard, from whence it was taken up by the servant, and delivered to him.

And it was a sending within the 27 Geo. II. c. 15, though the prisoner drop the letter, if the prisoner did not think him, and intended he should not. (*R. v. Wagstaff, R. & R. C.*)

So, where the prosecutor, having received such a letter, sent it to a woman who was in the habit of going of errands for the Newgate, and she proved that she received it from the defendant in Newgate, to put in the post office, and the service office proved that the letter in question was brought to the last witness, and forwarded in the regular course; this was held evidence, not only of the sending by the defendant, but also of its contents. (*R. v. Girdwood*, 2 *East's P. C.* 1120; 1 *Leach*, 484.)

To have brought the offence within 27 Geo. II. c. 15, it must have been sent to the person threatened, and so stated in the indictment; but the twelve judges intimated, that if a letter threatening A., and the prisoner intended that he should deliver it to B., so deliver it, this is a sending it by the prisoner to A., and not as such. (*R. v. Paddle, R. & R. C. C. R.* 484; *R. v. Dutton*, C. C. 90. See *R. v. Howe*, 7 *C. & P.* 268, *suprd.*)

A delivery of a letter was not within the former statutes, except, (*R. v. Hammond*, 2 *East's P. C.* 1119; 2 *Leach*, 499, 1822), a delivery of the letter, with the knowledge of its content, by the express terms of the present statute.

Nature of the
letter or writing.

Any Letter or Writing with or without any Name or Signature thereto, or with a fictitious Name or Signature.]—By the prior statutes, 9 Geo. I. and 27 Geo. II., it was no offence if the letter was sent to a person who did not conceal himself. Therefore, sending a threatening letter with any name subscribed to it, demanding money, was not an offence under the 27 Geo. II. c. 15, [nor is it, it should seem, under the present statute] because the contents of the letter clearly show who was the writer, and he has no intention to conceal himself. It was the same in the case of a party who had put his name to it. (*Heming's case, Warwick Sessions*, 2 *East's P. C.* 1116; 1 *Leach*, 445, n., S. C.)

In the case of *Michael Robinson*, who was indicted on the charge of sending a letter without any name subscribed thereto, to a householder, demanding a certain valuable thing, viz. a bank note, it appeared that the letter was signed R. R. It was objected (among other things) that it was not within the statutes, because the letter had a name on it; but all the judges were of opinion that there was no objection. (2 *East's P. C.* 1110; 2 *Leach*, 749, S. C. *And Wagstaff, R. & R. C. C.* 398.)

By the express terms of the present act, “any letter or writing with or without a name or signature subscribed thereto, or with a fictitious name or signature,” is within the act; and a letter with a real name on it would be considered to come within the meaning of the present statute.

Sending a letter to A. B., threatening to burn a house occupied by him, but let by him to and occupied by a tenant, is within the statute. *Reg. v. Burridge*, 2 *M. & Rob.* 296.

In *R. v. Haine* (6 *C. & P.* 105), *Bolland*, B., ordered to be deposited in the hands of the clerk of the peace, in order that the defendant's witnesses might inspect it before the trial.

Nature of the
threat.

Threatening to burn Houses, &c.]—A conviction on the

Geo. II. c. 15, for sending a letter to the prosecutor, threatening 1. To murder, fire to his mill, and likewise to do all the public injury they were or to destroy, him in all his farm and estates," was held wrong, he not then &c. Property. any mill to which the threat of burning would apply (having parted three years before), and the threat as to the farm, &c. not necessarily implying a burning. John Jepson and George Spring it were upon the act now repealed, 27 Geo. II. c. 15, for sending prosecutor, Mr. Woodgate, a letter according to the following

" March 3rd, 1798.

Woodgate.—Sir, I am very sorry to acquaint you that we are determined to set your mill on fire, and likewise to do all the public injury that we can do you in all your farms and estates which you are in possession of, if you on next day release that Ann Wood, which you put in my hands. Sir, we mention in a few lines, and we hope, if you have any regard for your wife and family, you will take our meaning without anything more said; and if you do not, we will persist as far as we possibly can, so you may feel at your heart, and strive your uttermost ruin. I shall not mention names to you until such time as you find the few lines a fact. With our regards no more at this time from me. R. R."

It appeared that the letter was in the handwriting of Jepson, and was thrown by the other prisoner into Mr. Woodgate's yard, from where it was taken by a servant of Mr. Woodgate, and delivered to him. Jepson swore that he had a share in a mill three years before the letter was written, but had no mill at that time; that he held a farm in his name, and that the letter was written and came to his hands, and still holds it, several buildings upon it. It was objected that this was not such a case as comprehended the offence in the act of parliament, 27 Geo. II. At a conference of the judges after conviction, in Michaelmas term 1798, (about Eyre, C. J.,) it was agreed that, the prosecutor had no such property at the time, as the mill which was threatened to be destroyed, that part of the letter must be laid out of the question; but as to the rest of it, Lord Kenyon, C. J., and Buller, J., were of opinion that the letter must be understood as also importing a threat to burn the prosecutor's farm-house and buildings; but the other judges not thinking it necessary construction, the conviction was held wrong, and a new trial recommended. (2 East, P. C. 1115.)

In the case of *R. v. Girdwood*, a letter accusing the prosecutor of having taken away the life of a friend of the writer's who was come to see him, was ruled to be evidence to go to the jury, upon a charge of having sent a letter threatening to kill and murder the prosecutor.

Whether the letter amount to a threat to kill or murder, is a fact to be decided by the jury. (*R. v. Girdwood*, 2 East's P. C. 1121. And see *Zyler*, 1 Moody, C. C. 428; *R. v. Tucker*, post, 253; *R. v. Boucher*, 4 P. 563.)

[Indictment.]—The indictment must set forth the threatening letter, in Indictment for. such a manner that the court may judge whether it falls within the purview of the statute. (*Lloyd's case*, 1787; 2 East's P. C. 1123. See further "Indictment," Vol. III.)

The party may be tried in the county where the letter was delivered to the prosecutor, though written by the prisoner, and by him sent, in another county. (*Girdwood's case*, 2 East's P. C. 1120.)

The offence of sending a threatening letter may be laid in the county where it is delivered by the post. An indictment on the 30 Geo. II. charged two defendants for sending a letter to the prosecutor, threatening to cause him of an unnatural crime, with intent to extort money from him. It was laid the offence in Middlesex, but the letter was dated from Maidstone in Kent. The sending it was proved by the defendant's confession. It was objected, that as the letter was dated and sent by the post from Maidstone, the fact of the sending, which constituted the offence, was committed in Kent, and the indictment would not lie in Middlesex. But

2. To extort Money, &c.

Lord *Mansfield*, C. J., held that, as it was directed to the Middlesex, where it was delivered, that was a sending in the whole was to be considered as the act of the defendant, the delivery in that county. (*R. v. Esser*, 2 *East's P. (Burdett, ante, "Libel," Vol. III.; "Indictment," Vol. III c. 64, s. 12.)*

And it seems the prisoner may be tried in the county in which the letter is sent, though the prosecutor may receive it in another county. The offence described in the 9 Geo. I. c. 22, at c. 15, is that of sending the threatening letter; it should seem that the offence is complete, as far as depends on the putting the letter into the post-office, to go into another county, or that of putting the letter into the post-office, in the county where it is sent (in the language of the statutes) to the prosecutor, who may afterwards receive it in the county of B.

II. Threats to extort Money, &c.

As to menaces with intent to *steal*, see "*Robbery, Assault,*" Vol. I.

As to the offence of actually obtaining money, &c., by accuse another of an unnatural crime, see "*Robbery,*" Vol. I.

By stat. 7 & 8 Geo. IV. c. 29, sect. 8, "If any person shall knowingly send or deliver any letter or writing, demanding with menaces, and without any reasonable or probable cause, any chattel, money, or valuable security; or if any person shall threaten to accuse, or shall knowingly send or deliver any writing, accusing or threatening to accuse any person punishable by law with death, transportation, or pillory, or assault with intent to commit any rape, or of any attempt to commit any rape, or of any infamous crime, as here [sect. 9], with a view or intent to extort or gain from such person any chattel, money, or valuable security; every such offender shall be guilty of felony, and being convicted thereof, shall be liable to the execution of the court, to be transported beyond the seas for a term not less than seven years, or to be imprisoned for an exceeding four years, and, if a male, to be once, twice, or thrice privately whipped (if the court shall so think fit), in addition to his imprisonment."

Sect. 9. "The abominable crime of buggery, committing mankind or with beast, and every assault with intent to commit such abominable crime, and every attempt or endeavour to commit such abominable crime, and every solicitation, persuasion, promise offered or made to any person, whereby to move or induce him to commit or permit the said abominable crime, shall be deemed an infamous crime within the meaning of this act."

See the general clauses affecting all the provisions of "*Larceny,*" Vol. III.

By the 7 & 8 Geo. IV. c. 29, s. 4, *ante*, Vol. III. to the sentence of imprisonment, may be added hard labour and solitary confinement for the whole or any part of the term. But by 7 Will. IV. c. 90, s. 5, such confinement shall not exceed one month at a time, nor six months in any one year.

If the convict be already under sentence of transportation, the sentence may commence after the expiration of the sentence (7 & 8 Geo. IV. c. 28, s. 10, *ante*, "*Malicious Injuries,*" Vol. III).

By the 5 & 6 Vict. c. 28, s. 1, this offence is not triable at sessions.

Letters demanding money, &c.

Accusations and threats of accusation of certain crimes.

Transportation for life, or imprisonment.

What shall be deemed infamous crimes.

General clauses.

Punishment of hard labour or solitary confinement.

Sentence to commence after end of former sentence.

Offence not triable at sessions.

so what will amount to a guilty knowledge of sending, and the 2. To extort
by a letter, within the meaning of the eighth section of the 7 & 8 Money, &c.
. IV. c. 29, see *ante*, p. 252.

here the letter contained a request only, but intimated that, if it were complied with, the writer would publish a certain libel then in his power, accusing the prosecutor of murder, this was held to amount to a demand. (*R. v. Robinson*, 2 *Leach*, 749; 2 *East's P. C.* 1110.) But it is necessary, under this branch of the statute, that the letter should be a threat: if it appear to demand money, &c., in the strict sense of the word, it is sufficient to bring it within the act. A mere request, however such as asking charity, or the like, without imposing any conditions, does not come within the meaning of the word "demand" in the statute. (*Per Buller, J., S. C.*)

In an anonymous letter stated that the writer had overheard certain persons agree together to do an injury to the person and property of the prosecutor, to whom the letter was sent, and that, if thirty sovereigns were paid in a particular place, the writer would give such information, as would frustrate the attempt, it was held, that this was not a threatening within the 7 & 8 Geo. IV. c. 29, s. 8; although it appeared that the letter was a mere device to defraud the prosecutor of thirty sovereigns. (*Pickford, 4 C. & P.* 227).

Whether the letter amounts to a threat to accuse the prosecutor of the crime mentioned, is a fact to be determined by the jury. (See *R. v. Lloyd*, 2 *East's P. C.* 1121).

The terms of the letter are doubtful as to the exact accusations the writer meant to threaten, his declarations subsequently made, on being asked what he meant to impute, are evidence to explain the meaning of the letter. (*R. v. Tucker, cor. Twelve Just.*, 1826 (*MS.*); *Car. C. L.*; 1 *C. C.* 134, *S. C.*)

In *Edward Major's case*, the indictment charged that the prisoner, Indictment for *to extort and gain money* from one *Augustine Rayner*, unlawfully, feloniously, and designedly, sent to the said A. R. a certain letter in writing, thereby threatening, &c.: and then set forth the letter, as follows: "Sir, I received a letter respecting the bill which I gave you some time past; and, as you know, I have it not in my power to pay it, I had, it is an unjust demand. I have only to observe, that if you will immediately return it to me as an acknowledgment for the obscene practice of sodomy attempted upon me, &c., I am determined to prosecute you to the utmost rigour of the law, &c. (Signed) E. Major, (and dated) 1st, 1796:" with a view and intent to extort and gain money from the prisoner A. R.; against the form of the statute, &c. The judges, on referring to them after conviction, in Michaelmas term, 1796, held the conviction wrong; for the letter was not sent to extort money, but to procure the release up of the bill. (*R. v. Major*, 2 *East's P. C.* 1118.)

An indictment on the eighth section of the 7 & 8 Geo. IV. c. 29, must, it is admitted, set forth the letter or writing sent. (See *Lloyd's case, ante*, 250.) It need not specify the infamous crime of which the prosecutor was accused; for the specific crime the prisoner threatened to accuse might intentionally be left in doubt. (*R. v. Tucker, R. & M.* 134.)

An indictment charging that the prisoner did feloniously and feloniously, with intent to extort, &c., "menace and threaten to prosecute N.," was not good, under the 4 Geo. IV. c. 54 (*ante*, p. 249); but if the indictment had followed the terms of the statute, and the evidence had shown a threat to prosecute, the judge would leave it to the jury to say whether that was not a threatening to accuse. (*R. v. Abgood*, 2 *C. & P.* 134.)

An indictment on the statute for demanding money must show by what was demanded: and an indictment on the statute for threatening to accuse must show who was threatened. (*R. v. Dunkley, R. & M. C.* 100.)

Points as to offence.

3. Forms.

It seems questionable whether a count framed on a letter demanding money will be supported by evidence that the letter was written with intent to extort money. (*R. & M. C. C.* 38; *2 East's P. C.* 1110 *C. C.* 749. 4th ed., S. C.)

See further, as to the indictment and venue, *ante*, p. 251.

III. Forms.

(1). Commitment on 4 Geo. IV. c. 54, s. 3, for sending a letter, threatening to murder or burn, &c.

—. (The county wherein the commitment is made.) *J. P. cap Her Majesty's justices of the peace for the said county to the constable in the said county, and to the keeper of the common gaol at , i county.*

These are to command you the said constable, in *Her Majesty's name with to convey and deliver into the custody of the said keeper of common gaol the body of C. D., charged this day before me the said with the oath of A. B. of —, and others, for that he the said C. D., on day of , A. D. , at the parish of , in the said county, knowingly, wilfully, and feloniously, did send [or "deliver"] to A. B. letter and writing, thereby and therein threatening to kill and to "burn or destroy a certain outhouse of," or "houses, outhouses, barns, etc. of corn or grain, or hay or straw, of," according to the fact] the same against the form of the statute in such case made and provided. A said keeper are hereby required to receive the said C. D. into your the same [common gaol], and him there safely to keep until he shall be delivered by due course of law. Herein fail you not. Given under my hand and seal the day of , in the year of our Lord*

(2). Indictment for a like offence.

— (venue)—*The jurors for our lady the Queen, upon their oaths, charge that C. D., late of the parish of , in the county of , in the day of , in the year of the reign of our liege Queen Victoria, with force and arms, at the parish aforesaid, in aforesaid, knowingly, wilfully, and feloniously, did send [or "deliver"] letter [or "writing"] without any name or signature, [or "with a fictitious name or signature, to wit, the name or signature of L. P.," or name or signature of " "], directed to one A. B., thereby and there threatening to kill and murder the said A. B. [or "to burn a certain house of the said A. B.," or "houses, outhouses, barns, etc. of corn or grain, hay or straw," according to the fact], and which said letter was and is as follows: that is to say, "Sir," &c. [here set out the tenor]; against the form of the statute in such case made and provided, and against the peace of our said lady the Queen, her crown and dignity, other counts, as the case may suggest, and one for a delivery of the same to support it.]*

(3). Commitment on 7 & 8 Geo. IV. c. 29, s. 6, for demanding money, &c., with menaces, with intent to steal it.

Commencement as usual, as *supra*]—on the day of , at the parish of , in the said county, did with menaces, force") feloniously demand of and from A. B. the money [or account, "a certain chattel, to wit, " or, "a certain valuable security"], of him, the said A. B., with intent the said money ["valuable security"] from the said A. B. then and there feloniously take, and carry away; against the form of the statute in that case provided. And you, the said keeper, &c. [as *supra*, to the end].

(4). Indictment for a like offence.

—(venue)—*The jurors for our lady the Queen upon their oaths charge C. D., late of the parish of , in the county of , labourer, day of , in the year of the reign of our lady the now Queen at the parish aforesaid, in the county aforesaid, with menaces [or "did maliciously and feloniously demand of and from one A. B. the A. B.'s, money [or "a certain chattel, to wit, " or "a certain valuable security, to wit, "], with a felonious intent the said money, [or "valuable security"] of the said A. B. then and there feloniously*

ty of the said A. B., with menaces, and without any reasonable or use; and which said letter was and is as follows: that is to say [set ~~in~~ verbatim]; against the form of the statute in such case made and and against the peace of our said lady the Queen, her crown and digni-
d other counts, as the case may suggest.]

consent as usual, as ante, p. 254.] —on the day of , (8). Commitment
, at the parish of , in the said county, feloniously did threaten on like act for
reuer ["accuse, or threaten to accuse"] him, the said A. B., of having threatening to
and endeavoured to commit the abominable crime of buggery upon accuse a man of a
with a view to extort and gain money ["chattel, money, or valuable crime, &c., with
from the said A. B.; against the form of the statute in that case intent to extort
provided. And you, the said keeper, &c.[as usual, to the end]. money, &c.

(9). Indictment
—The jurors for our lady the Queen upon their oath present, that
of the parish of , in the county of , labourer, on the for a like offence.
, in the year of the reign of our lady the now Queen Victoria,
and arms, at the parish aforesaid, in the county aforesaid, maliciously
did accuse (or "threaten to accuse") one A. B., of having at-
and endeavoured to commit the abominable crime of sodomy with the
[any crime punishable by law with death, transportation, or pillory,
most crime, or of any assault with intent to commit, &c.], with a view
thereby then and there feloniously to extort and gain money ["chattel,
valuable security"] from the said A. B.; against the form of the
such case made and provided, and against the peace of our said lady
, her crown and dignity.

3. Forms.

Commencement as usual, as ante, p. 254.]—on the

A. D. , at the parish of , in the said county, knowingly did send [or "deliver"] to A. B. a certain letter [*threatening to accuse* [or "accusing"] him, the said A. B., tempted and endeavoured to commit the abominable crime of buggery with a view and intent thereby to extort and gain money ["any valuable security"] from the said A. B.; against the form of the case made and provided. And you, the said keeper, &c. [as usi-

(10). Commitment
on like act for
sending a letter,
threatening to
accuse a man of
a crime, with
intent to extort
money, &c.

—(venue)—The jurors for our lady the Queen upon their oaths, C. D., late of the parish of , in the county of , law day of , in the year of the reign of our lady the now at the parish aforesaid, in the county aforesaid, with force and feloniously did send [or "deliver"] to one A. B. a certain writing [or "writing"], accusing [or "threatening to accuse"] the said A. B. of the crime, to wit, the crime of having ["attempted and endeavoured to commit the abominable crime of sodomy with the said C. D."] ["any crime against the law with death, transportation, or pillory, or of any assault with any rape, or any attempt or endeavour to commit any rape, or any other felony, as mentioned in sect. 9 of the 7 & 8 Geo. IV. c. 29], intent thereby then and there feloniously to extort and gain from the said A. B. money [or "a certain chattel, to wit, , " or "a certain sum of money, to wit, , "], and which said letter [or "writing"] was a copy [here set out the letter verbatim]; against the form of the statute made and provided, and against the peace of our said lady the Queen and dignity. [Add other counts, as the case may suggest.]

Threshing Machines, Injuries to. See "Malicious Injury to Property," Vol. V.

Tiles. See "Bricks," Vol. I.

Title (a).

Statement of.

As to the statement, &c. of, in an indictment, see "Indictment," Vol. III. p. 1; in a conviction, see "Conviction," Vol. I.; as to the statement, &c. of, in a conviction, see "Evidence," Vol. II.

New style.

As to the establishing of the new style, by the 24 Geo. II. c. 23, see "Almanack."

Of what times the law takes notice.

The law takes notice of the commencement and course of all times which depend upon the calendar. (*Com. Dig. Temporum*) notice of moveable and immovable feasts (*id. B. 2*), and see "Almanack," Vol. I.

By stat. 24 Geo. II. c. 23, the calendar is corrected, and established. The year 1752 was enacted thereby to begin January, 1752, and the day after the 2d of September, 1752, accounted the 14th of September; and see 25 Geo. II. c. 23, "Almanack," Vol. I.

Time of memory.

'Time of memory has been long ago ascertained by the law from the beginning of the reign of Rich. I., viz. 6th of Jan.

(a) See, as to time in general, 2 Bla. Com. 140, by Ch. Temps; Vin. Ab. Time.

ps; there are six hours, within a few minutes, over in every fourth year, makes another day, viz. three hours, and being the 29th of February, constitute the bissextus. (Co. Lit. 135; 2 Roll. 521, l. 35; Com. Dig. Ann. (A.); s. 2; 2 Bla. Com. 140, notes by Chitty.)

If it speaks of a year, it shall be computed by the whole according to the calendar, and not by a lunar month. (Brough v. Catesby, Cro. Jac. 166.) But if a statute directs the time to be within twelve months, it is too late to proceed after twelve lunar months. (R. v. Peckham, Corit. 407.)

It in the singular number includes all the year, but shall be computed according to twenty-eight days for Rep. 62. And see Crooke v. M'Farish, 1 Bing. 307; 3.)

II. c. 84, which prohibits, under a penalty, a spiritual person from his benefice for more than a certain year, means year from the time when the action is brought. (2 M. & Sel. 534.)

"or" may sometimes be construed in a different sense than according to its ordinary import. In Dugdale's p. 2, it is said that the year is either astronomical, ecclesiastical, beginning on the 1st of January, or 25th of March, king's accession; and see Bract. 359. And the word "year" is used to denote different periods of time—as in a year sometimes construed to mean a "mayor's year" or a year and not a calendar year. (See Rex v. Swyer, 10 B. & C. 107.)

From Whitsuntide to Whitsuntide has been held to be a year though for 339 days only. (R. v. Newstead, Burr. S. C. 17; R. v. Standen Massey, 6 Coke, 62.)

consists of one hundred and eighty-two days, for there is half a year.

referred to a part or a fraction of a day. (Co. Lit. 135 b.; Brough v. Catesby, Cro. Jac. 166.) The time to collate has shall be reckoned half a year, or one hundred and two days, and not lunar months. (Bishop of Peterborough v. Catesby, Rep. 61; 2 Bla. Com. 140, notes by Chitty.)

The year consists but of ninety-one days, for the law does not count a quarter of a year.

Time.

*rop v. Green, 198; Howard v. Wemsley, 6 Esp. 53; Sch. N. P. title
ment; Adams on Eject. 123; 2 Bla. Com. 149, notes by Chitty.)*

Month.

A month is *solar*, or computed, according to the calendar, which contains thirty or thirty-one days; or *lunar*, which consists of twenty-eight (Co. Lit. 135, b.)

In temporal matters, it is usually construed to mean *lunar*: in ecclesiastical, solar or calendar. (Talbot v. Linfield, 1 Bla. R. 450; 3 Burr. S. C.; Lang v. Gale, 1 M. & Sel. 111; Crooke v. M'Tavish, 1 Bing. 307; 8 Moore, 265.)

In general, when a *statute* speaks of a month without adding "dar," or other words showing a contrary intention, it shall be *lunar* month of twenty-eight days; (see Com. Dig. Ann. (B.); Le Hooper, 6 T. R. 224; Glassington v. Rawkins, 3 East, 407; Cro. M'Tavish, 1 Bing. R. 307; 8 Moore, 265;) and, generally, in all temporal, the term month is understood to mean *lunar*, but in ecclesiastical, as non-residence, it is deemed a calendar month; but in each of these matters, a different mode of computation prevails; term, therefore, is taken in that sense which is conformable to the matter to which it is applied; (2 Roll. Ab. 521, 51; Talbot v. Linfield, 1 Bla. R. 450; 3 Burr. 1455, S. C.; Lang v. Gale, 1 M. & Sel. 111; Cro. M'Tavish, 1 Bing. R. 307; 8 Moore, 265; Com. Dig. Ann. (B.)) therefore, when a deed states *calendar* months, and, in pleading, the calendar be omitted, it is not necessarily a variance, (Cockell v. Brod. & B. 186; 6 Moore, 483, S. C.; 2 Bla. Com. 140, notes by Chitty.)

When a *deed* speaks of a month, it shall be intended a *lunar* month, unless it can be collected from the context that it was intended to be *calendar* (Lang v. Gale, 1 M. & Sel. 111; Com. Dig. Ann. (B.); Bishop of borough v. Catesby, Cro. Jac. 167; Barksdale v. Morgan, 4 Mod. 185; Joe Hawkins, 1 Stra. 446; Reg. v. Inhabitants of Chawton, 10 Law, 55; 2 B. H. T. 1841,) unless it be proved that the general understanding in that department of trade is, that bargains of that nature are as to *calendar* months. (Titus v. Lady Preston, 1 Stra. 652; Lang v. Gale, 1 M. & Sel. 111.) And the *custom of trade*, as in case of bills of exchange and promissory notes, has established that a month named in the contracts shall be deemed *calendar*. (Cockell v. Gray, 3 B. & B. 187; 6 Moore, 483, S. C.)

Where parties contract that the purchase of lands shall be completed within so many months, *calendar* and not *lunar* months are intended (Hipwell v. Knight, 1 Y. & Col. 401.)

In all *legal proceedings*, as in commitments, pleadings, &c., a month means four weeks. (Tullet v. Linfield, 3 Burr. 1455; 1 Bla. R. 450; R. v. Adderley, Doug. 463, 464.) And when a *statute* requires the action against an officer of customs to be brought within three months, it shall mean *lunar*, though the same act requires a *calendar* month's time for action. (Crooke v. M'Tavish, 1 Bing. R. 307; 8 Moore, 265.)

By the 5 & 6 Vict. c. 97, s. 4, reciting that "it is expedient that the law should be uniform with respect to notice of action in cases where such notice of action is required;" it is enacted, "that six months after the passing of this act, [10 August, 1842,] in all cases where notice of action is required, such notice shall be given one calendar month at least before any action shall be commenced; and such notice shall be sufficient, any act or acts to the contrary notwithstanding."

A day.

A day is natural, which consists of twenty-four hours; or a day, which contains the time from the rising of the sun to the setting of the sun (Co. Lit. 135, a.)

A day is usually intended of a natural day: as, in an indictment for burglary, we say in the night of the same day. (Co. Lit. 135, a. 318.)

id the notice was given on the Monday following, and the
s Bench, acting upon the rule laid down by Sir William
held that the day of the happening of the event, from
putation of time was to run, was to be excluded.
reasonable rule was there laid down by Lord Tenterden,
a good test to apply to most cases, viz., by reducing the
, in which case the party would clearly be entitled to the
xt day after the injury was done, otherwise he might have
which to give notice. Approved of in *Webb v. Fairman*,

a case in equity, the Master of the Rolls, after considering
mions, said, upon the first part of this rule, that whatever
be that, when a thing is to be done after the doing of an
its happening must be included, it is clear the actual de-
e brought under any such general rule; and he inclined
he first day in all cases, and ruled, that where a security
within six months after a testator's death, the day of the
excluded. (15 Ves. 248.)

Geo. IV. c. 39, s. 1, which requires that every warrant of
fess judgment shall be filed within twenty-one days after
warrant executed on the ninth day of the month may be
th. (*Williams v. Burgess*, 9 Dowl. P. C. 544; 4 P. & D.

g the time of credit on a mercantile contract, the day on
which was made is to be excluded from the reckoning.
aner, 6 Dowl. P. C. 549; 3 Mee & W. 473.) Thus, if a
goods, to be paid for in two calendar months, the credit

Time.

does not expire till the end of the corresponding day of the month. (*Id.*)

The month required to elapse after the delivery of his bill, attorney can commence an action, under 2 Geo. II. c. 23, s. 1, consist of twenty-eight days, exclusively of both the day of delivery and of commencing the action. (*Blunt v. Heslop*, 3 Nev. & Per. 368.)

The seven days which a party convicted under the 11 Geo. I. Will. IV. c. 64, and 4 & 5 Will. IV. c. 85, (Beer House Act) paying a penalty imposed on him before a distress warrant can to be reckoned one day exclusively and the other inclusively; warrant is not issued too soon it is not bad, because it was date (*Newman v. Hardwicke*, 3 Nev. & Per. 368.)

It may now be taken as a general rule in the computation of matters of practice, that one day is to be reckoned exclusive of the other inclusively, and this independently of the rule of all the Courts of Westminster, of Hilary Term, 2 Will. IV. R. viii. (Rex v. G. 2 Ad. & Ell. 463; *Buxton v. Spires*, 1 T. & Gr. 74.)

Thus the six days' notice of applying for a certiorari to the order of justices, must be reckoned exclusively of one day, and of the rest. (Rex v. Goodenough, *supra*; Rex v. Cumberland Justices, 259.)

The 13 Geo. II. c. 18, s. 5, directs, that no order of justice removed, unless the certiorari be applied for within six months of the order is made. Where an act directs justices to make an order, it should be subsequently confirmed by an order of sessions, of six months is to be calculated from the date of the latter order. (v. *Middlesex (Justices)*, 1 Nev. & Per. 92.)

A statute requiring "ten days" notice of appeal, will be giving such notice ten days before the sessions, one day inclusive of the other exclusive. (Rex v. Justices of West Riding, 4 B. & S. C. 1 N. & M. 426, S. C.)

But where an act required ten "clear days" notice of the appeal, it was held that the ten days are to be taken exclusive of the day of serving the notice and the day of holding the sessions. (v. *Justices of Herefordshire*, 3 B. & Ald. 581. See further, Vol. I.)

Where an act is required by a statute to be done so many "days at least" before a given event, the time must be reckoned exclusive of the day of the act and that of the event. (Reg. v. Shropshire Justices, 8 Ad. & Ell. 173; 3 N. & P. 286, S. C.) The 4 & 5 Will. I. requires that a summons to appear before justices, and answer under the statute, shall be served ten days "at least" before the day of the session. A party was summoned on the twentieth day of the month to appear on the thirtieth, and was convicted for default of appearance:—that the justices had no jurisdiction, as the ten days must be reckoned exclusive of the day of serving the summons and that of conviction. (Mitchell v. Foster, 4 Per. & D. 150; 9 Dowl. P. 781; and R. v. Shropshire Justices, 8 Ad. & Ell. 173.)

Where time is given for the performance of an act "until" a certain day, the time is to be construed as inclusive of that day. (Kerr 1 Dowl. N. S. 538; Dakins v. Wagner, 3 Dowl. 535.)

As to fractions of a day, the Master of the Rolls, in *Lester* (15 Ves. 248), observes, "Our law rejects fractions of a day generally than the civil law does. The effect is to render the day an indivisible point; so that any act done in the compass of it is referable to any one than to any other portion of it; but the day and night are co-extensive, and therefore the act cannot be said to be done 'till the day is past.' (And see *Hardy v. Ryle*, 9 B. & C. 603; 4 Co. Lit. 257; *Co. Lit.* 185, b.; *Field v. Jones*, 9 East, 154; *Latimer*

In matters of practice one day is included and the other excluded.

"Clear days."

"Days at the least."

"Until."

Fractions of a day.

written agreement for the hire of a vessel, to be made
oard " forthwith," evidence is admissible to show that
that the vessel should be ready in two days. (*Simpson*
& *Malk.* 300.)

In (9 C. & P. 700), it was held by *Denman*, C. J., that
"with" to put premises into complete repair, must re-
construction, and is not to be limited to any specific
re that it was a question for a jury, in an action for a
y upon the evidence, whether the defendant had done
y ought to have done in performance of it.

is expressly mentioned for the performance of an act, Reasonable time.
that it shall take place within a reasonable time. (See

3 Comp. 426; *Ellis v. Thompson*, 3 M. & W. 456.)
reasonable time the justices are to determine. (Com.
ut in *Startup v. Macdonald*, C. P. H. T. 1841, (10 Law
a considered that a question of reasonable time for the
contract with reference to the usage of trade and hours
one of fact and not of law. The case, however, is
Chequer Chamber, on a writ of error.

Id in the case of a demise by parol, (and it seems in Old and newstyle,
nder seal, *Doe v. Hopkinson*, 3 D. & Ry. 507,) and in construction of.
bold from feast to feast, as from Michaelmas to Michael-
facie be a holding from such feast according to the new
ie custom of the country where the lands lie (which cus-
d by parol testimony) such tenancies commence accord-
s. (*Purley d. Mayor of Canterbury v. Wood*, 1 Esp. 198,
t. 112; *Adams* Ej. 2nd edit. 129; 3rd edit. 145; and see
9; and 11 East, 313.) And in cases of parol taking at

Time.

Martinmas, &c., generally parol evidence is receivable with respect to custom to show whether the day of taking was intended to be calculated according to the new or old style. (*Id.*; *Smith v. Bangk.* 238; 11 *M. & Scott*, 380.) If, however, the demise is described as 'from any particular feast, as 'from the feast of St &c.' the holding must be taken to be according to the new style, notwithstanding the custom and this rule prevails, although the holding over after the expiration of the lease created by a holding over after the expiration of the lease original entry was according to the old style. (*Doe d. Sp.* 11 *East*, 312; *Smith v. Walton, supra*. See *Doe v. Hopkinson* 508, 509, and 11 *East*, 313, *per Cur.*)

Tin. See "Pewter," Vol. V. "Malicious Injuries to Pewter." As to the Duties of Customs payable on Pewter, see "Excise & Customs," Vol. II.

Tithes.

Commutation of.

IN the last edition of this work, one of the sections under the heading of Tithes was devoted to the Commutation of Tithes. The subject, however, has no immediate concern with justices of the peace, and with parish officers; and considering that the many references and decisions on it would swell out this title to a great length, and that questions on the subject will soon rarely arise, it is thought best while noticing it in the present edition.



I. Summary Remedy for, when due from any Person.

[7 & 8 Will. III. c. 6; 27 Geo. II. c. 10; 53 Geo. III. c. 127
c. 15; 7 & 8 Geo. IV. c. 17; 5 & 6 Will. IV. c. 74; 4 & 5 Vi-

II. Summary Remedy for, and other Church Rates and Payments, due from Quakers only, 270.

[7 & 8 Will. III. c. 34; 1 Geo. I. st. 2, c. 6; 27 Geo. II. c. 20;
c. 127; 5 & 6 Will. IV. c. 74.]

III. Of Contempts for Tithes in the Spiritual Court,

[27 Hen. VIII. c. 20; 32 Hen. VIII. c. 7.]

IV. Forms, 272.



I. Summary Remedy for Tithes due from any Person.

The books in general confound the 7 & 8 Will. III. c. 6 with small tithes only, due from any person whatsoever (whether lay or clerical, not, being no way material), with the 7 & 8 Will. III. c. 34 (a).

Preliminary ob-
servations on the
statutes as to.

(a) The 7 & 8 Will. III. c. 6, was passed to continue seven years, and by the 13 & 14 Will. III. c. 4, was continued for eleven years more, and made perpetual by 3 Anne, c. 1 stat. 2, c. 6, referred.

atever, whether greater or small, where the value does not exceed the sum of £ 100, the tithes may be recovered by action brought before the justices of the peace, either by the parson, vicar, or master of the church, or by the person to whom they are due, or by his attorney.

IV. c. 15, post, 267, enacts, that in places where justices are not appointed, the tithes are to be recovered before justices of any county.

If these statutes, if any person subtract or fail in the payment of the tithe for twenty days after demand thereof, the parson, vicar, or master of the church, or to whom they are due, may make his complaint in writing to the justice of the peace, who shall summon the persons against whom the complaint is made, before two justices of the peace, neither of whom is the patron of the benefice to which the tithes belong, who are to hear and determine all such complaints touching tithes, compositions subtracted or withheld, where the value does not exceed £ 100; and, since the 5 & 6 Will. IV. c. 74, and 4 & 5 Vict. c. 36, have provided a new way of recovering them, except where the title to the tithe, or the quality or exemption of the property alleged to be subject to tithe is in question. The tithes must have become due, &c. before the complaint laid. The enactments do not intend to apply to tithes in the city of London, or the liberties thereof, or to a city or town corporate, where the same are settled by a charter.

It is clear that the statute of William the Third was intended to apply to those cases in which the tithes were actually due, and not to cases of any dispute upon matters of law, either with regard to the title to them, or the manner of receiving them. We cannot therefore say that it is the principle of the act. The object of it was to give to the tithe-owner an expeditious mode of recovering them; and it must be admitted that it is a cheap and expeditious remedy in such cases, and that it is more convenient to the tithe-owner than to him who is to pay. Every action of tithe, whether in a court of common law, or in an ecclesiastical cognizance, must in its nature be very expensive, and equally burdensome to him who claims and him who defends. There can be no doubt that it was to remedy this evil this act was passed.

1. Summary
Remedy for,
when due from
any Person.

7 & 8 Will. III.
c. 6.

Who may sum-
mon the persons
complained of,
and on default of
appearance de-
termine com-
plaint, &c.

On refusal to pay
in ten days after
notice, consta-
bles, &c. may
distain.

Justices to ad-
minister an oath.

ments for the same, with all offerings, oblations, and c several rectors, vicars, and other persons to whom they a in their several parishes within this kingdom of Engl Wales, and town of Berwick-upon-Tweed, according toms, and prescriptions commonly used within the said tively ; and if any person or persons shall hereafter sub or any ways fail in the true payment of such small tithes, obventions, or compositions as aforesaid, by th days at most after demand thereof, then it shall and ma person or persons to whom the same shall be due, to complaint in writing [see Form (No. 1), post] unto t his majesty's justices of the peace within that count town corporate, place, or division, where the same neither of which justices of peace is to be patron of the whence the said tithes do or shall arise, nor any ways tithes, offerings, oblations, obventions, or compositions

An order for non-payment of small tithes was quashed only upon complaint generally, and the statute plaint to be in writing. (*R. v. Furness*, 1 *Str.* 264.) N however, is requisite, and so long as it substantially & matter of the complaint, to give the justices jurisdiction

Sect. 2. "That if hereafter any suit or complaint sh two or more justices of the peace as aforesaid, conce offerings, oblations, obventions, or compositions as : justices are hereby authorized and required to summon their hands and seals, by reasonable warning, every su sons against whom any complaint shall be made as afore or their appearance, or upon default of their appearance or summons being proved before them upon oath, th peace, or any two or more of them, shall proceed to hear said complaint, and upon the proofs, evidences, and tes before them, shall, in writing under their hands and case, and give such reasonable allowance and compensat oblations, and compositions so subtracted or withheld & to be just and reasonable, and also such costs and char 10s., as upon the merits of the cause shall appear just."

Sect. 3. "That if any person or persons shall refuse space of ten days after notice given, to pay or satisfy money, as upon such complaint and proceeding shal justices of the peace be adjudged as aforesaid, in every stables and churchwardens of the said parish, or one warrant under the hands and seals of the said justices distain the goods and chattels of the party so refusin aforesaid ; and after detaining them, by the space of t Geo. II. c. 20, not less than four days, nor more than said sum so adjudged to be paid, together with reaso making and detaining the said distress, be not tender said party in the mean time, shall and may make public and pay to the party complaining so much of the mon sale as may satisfy the said sum so adjudged, retaining t reasonable charges for making and keeping the said districe shall think fit, and shall render the overplus (if any

Sect. 4. "That it shall and may be lawful for all ju the examination of all matters offered to them by this an oath or oaths to any witness or witnesses, where t necessary for their information, and for the better disco

(a) By 53 Geo. III. c. 127, s. 4, it the living, the tithe may be to one justice.

(b) By the 7 Geo. IV. c. 15, (post, ty, &c. 267), where the justices are patrons of

"title" is to be taken in a strict sense, as applying in which the question is to whom the tithes are due, is to a question of prescription, *modus*, custom, or which does not negative the *prima facie* title, but only bar to the demand of tithes. From what fell from v. *Jefferys*, *infra*, it should seem the word "title" in its strict sense. (See *vide R. v. Furness*, 11 Mod. 1, 1 Stra. 264; 1 E. & Y. 750.) Before a *certiorari* shown that the title was really in question. (R. v. 35; 2 E. & Y. 153; see *ante*, "Conviction," Vol. I.]

where any person or persons complained of for sub- Persons com-
ing any small tithes, or other duties aforesaid, shall, plained of, insist-
f the peace to whom such complaint is made, insist ing on any com-
on, composition, or *modus decimandi*, agreement or position, &c., and
she is or ought to be freed from payment of the said giving security to
in question, and deliver the same in writing to the pay costs, justices
peace, subscribed by him or her, and shall then give not to give judg-
nning reasonable and sufficient security, to the satis- ment.

ustices, to pay all such costs and damages, as upon a
ad for that purpose, in any of his majesty's courts
of that matter, shall be given against him, her, or
aid prescription, composition, or *modus decimandi*,
aid trial be allowed; that in that case the said justices
rbear to give any judgment in the matter; and that
se the person or persons so complaining shall and
prosecute such person or persons for their said sub-
court or courts whatsoever, where he, she, or they
lors the making of this act; anything in this act to
standing."

1. Summary Remedy for, when due from any Person.

Questions of modus.

[The sessions, on an appeal, may reject evidence of not offered to the two justices who made the order. the power of justices to try questions of tithe under c. 6, is taken away by the eighth section of that act, *modus* is raised. (*R. v. Jeffreys*, 1 B. & C. 604; 2 & Y. 1098, S. C.) Two justices, by an order dated 1 November, 1821, ordered *Jeffreys* to pay to the lessee of land of Glemsford, in the county of Suffolk, the sum of milk and calves, arising in the parish of Glemsford, altogether with his costs and charges. *Jeffreys* was answer the complaint of the lessee, and appeared before offered no evidence of a *modus*. The sessions, on appeal, subject to the opinion of the court upon the respondent having proved the notice, summons, and as lessee, and that the value of the tithe was of the amount appellant claimed to be exempted from the payment of that it was covered by a *modus*, and he tendered even existence of such a *modus*. The court rejected the opinion that they had no power to try the question. argument, said, "As at present advised, I am disposed *modus*, in this statute, something different from title the word *modus* is not to be found in the seventh section to the certiorari, I think that the writ ought not to also disposed to think, that the eighth section is co-party relying upon a *modus* shall set it up in the rected. The act was intended to apply where there law as to the right to the tithe; that in such cases the have a cheap remedy, which could not be injurious whom the tithe is due. If the eighth section be not consequence will follow, that the party called upon to; and pleasure, leave the question of *modus* to be tried may withdraw it from their consideration; whereas have no such option. This, however, is a point of and I should have wished for more time to consider proceeded upon that ground. But upon the other I doubt. If it was originally the intention of the party he should have stated that before the two justices. If tithes, the party would come prepared to show the occasion the party refusing to pay, and that titheable matter question of *modus* is something quite distinct from that claiming would come prepared to prove. If, therefore set up in the first instance, the justices at sessions in discretion as to receiving or rejecting evidence of it. otherwise be taken by surprise, and the defendant w unfair advantage." Order of sessions affirmed.]

A bare assertion of claim of *modus* not sufficient.

[A bare assertion by the defendant of the existence, composition, or *modus*, &c., will not, it seems, save justices from giving judgment: the defendant must show that there is a bona fide ground for setting up the *modus*. (*R. v. Wrottesley*, 1 B. & Adol. 648; *R. v. Chapelward M. & Sel.* 248).]

Judgment to be enrolled at next sessions by clerk of peace, &c.

Sect. 9. "That every person and persons, who shall obtain any judgment, or against whom any judgment is given, before any justices of the peace out of session oblations, obventions, or compositions, shall cause such judgment to be enrolled at the next general quarter session for the said county, city, riding, or division; and the clerk for the said county, city, riding, or division, is hereby tender thereof, to enrol the same; and that he shall receive for the enrolment of any one judgment any fee or reward, and that the judgment so enrolled, and satisfaction made

for which he or they have so sued."

c. 127, s. 4 (a), after reciting the 7 & 8 Will. III. c. 53 Geo. III. c. small tithes, to the value of 40s., and that it was ex-^{127.}
such amount, and to extend the said amount to all certain limited amount, enacts, "That such justices and after the passing of this act, be authorized and determine all complaints touching tithes, obla-
tions, subtracted or withheld, where the same shall count from any one person, in all such cases, and by subject to all such provisions and remedies, by appeal ained in the said act of king William, touching small compositions not exceeding 40s.: provided always and after the passing of this act, one justice of the etent to receive the original complaint, and to sum-
ppear before two or more justices of the peace, as in th."

15, intituled "*An Act to amend an Act passed in the 7 Geo. IV. c. 15.
ear of the Reign of King William the Third, for the more
of Tithes,*" reciting the 6 & 7 Will. III. c. 6, s. 1, and 27, s. 4, and that it is expedient, in certain cases, to it part of the said recited act of king William the to the jurisdiction before which the said tithes shall "That from and after the passing of this act, it shall all cities, towns corporate, or other towns or places in Berwick-upon-Tweed, where the justices of the peace

Justices may de-
termine com-
plaints respecting
tithes not exceed-
ing 10s.

In places where
justices are pa-
trons of church,
tithes to be re-
covered before

r provisions of this act, title "Church," Vol. I.

1. Summary Remedy for, when due from any Person.

7 Geo. IV. c. 15.
Justices of ad-
joining county.
How far recited
act repealed.

Costs of dis- franchisement.

5 & 6 Will. IV.
c. 74.

7 & 8 VIII. III.
c. 6.

53 Geo. III. c. 127.

7 & 8 Will. III.
c. 34.

1 Geo. I. c. 6.

**Proceedings for
recovery of tithes
under 10*l.* shall
be had only un-
der powers of
two first-recited
acts.**

And of tithes amounting to 50%. due from Quakers under the other acts.

in and for the same are patrons of the said church or cl
tithes or offerings do or shall arise, for two justices of
for any adjoining county, riding, or division, to hear all
complaints for withholding the said tithes and offerings in
amount of 10l.; such complaint to be made in writing
or vicar, or other person, his attorney, or agent."

Sect. 2. "That nothing in this act shall be construed any of the clauses or provisions of the said recited acts, save and except as to such parts thereof as are exp amended by the same."

By the 7 & 8 Geo. IV. c. 17, the provisions of the 5th relative to the costs of small distresses, are extended to tithes. See "Church," Vol. I.

By 5 & 6 Will. IV. c. 74, intituled "An Act for the recovery of Tithes," (9th September, 1835,) after reciting, "Whereas an Act was passed in the seventh and eighth years of the reign of King George Third, intituled An Act for the more easy Recovery of Small Tithes, &c., it was amongst other things enacted, that two or more justices of the peace were authorized and required to hear and determine all complaints touching small tithes, oblations, and compositions, or withheld, not exceeding forty shillings: and whereas in the fifty-third year of the reign of his late majesty King George Third, intituled An Act for the better Regulation of Ecclesiastical Causes, and for the more easy Recovery of Church Rates and other sums due to the Church, &c.,

the jurisdiction of the said justices was extended to all and compositions subtracted or withheld, where the exceed ten pounds in amount from any one person: an act of the seventh and eighth years of the reign of king George the Third, chapter thirty-four, provision is made for the recovery of small tithes (not exceeding the amount of ten pounds) due from Quakers, by distress and sale, under the warrant of the sheriff: whereas by an act of the first year of the reign of king George the Sixth, the provisions of the said last-mentioned act were also made applicable to any amount not exceeding five pounds, in the case of Quakers, to all tithes or rates, and customary payments belonging to any church or chapel: and whereas by an act of parliament of Ireland of the seventh year of the reign of king George the Third, chapter twenty-one, amended and re-enacted an act of parliament of the United Kingdom of Great Britain and Ireland of the fifteenth year of the reign of king George the Third, chapter sixty-eight, the said provisions are in force in Ireland for the recovery, from Quakers, of small tithes, and customary and other rights, due and belonging to any church or chapel, not exceeding the amount of five pounds: and whereas it is highly expedient, and would further obviate litigation, if, in the cases and with the exceptions hereinbefore mentioned, all claimants were restricted to the respective remedies provided by the said acts.

said recited acts ;" it is enacted, " That from and after the
no suit or other proceeding shall be had or instituted in an
courts in England now having cognizance of such matter
of any tithes, oblations, or compositions withheld, of or
value of 10*l.* (save and except in the cases provided for
recited acts), but that all complaints touching the same si-
case of Quakers, be heard and determined only under
provisions contained in the said two first-recited acts
such and the same manner as if the same were herein
enacted ; and that no suit or other proceeding shall be
in any of his majesty's courts either in England or Ire-
cognizance of such matter, for or in respect of any grea-

the actual liability or exemption of the property to or from any obligation, composition, modus, due, or demand shall be bond action, nor to any case in which any suit or other proceeding shall actually instituted before the passing of this act."

[There is no doubt that this enactment extends to compositions for tithes under the yearly value of 10*l.* and the Court of Queen's Bench has recently decided that it extends to the setting out of tithes of or less amount, and that the action for treble value for not setting them by the 2 & 3 Edw. VI., is taken away. (*Peyton v. Walker*, N. S., 271, Q. B.)]

"In case any suit or other proceeding has been prosecuted or shall hereafter be prosecuted or commenced, in any of his courts in England or Ireland, for recovering any great or small sum or composition for tithes, rate, or other ecclesiastical demands deducted, unpaid, or withheld by or due from any Quaker, no decree or order shall issue or be made against the person or the defendant or defendants, but the plaintiff or plaintiffs shall have his execution or decree against the goods or other property of the defendant or defendants; and in case any person now is detained in England or Ireland under any execution or decree in such proceeding, the sheriff or other officer having such person in his custody forthwith discharge him therefrom; and the plaintiff or such suit or proceeding shall and may, notwithstanding such execution or take any other proceeding for the recovery of his demand and his costs out of the property, real or personal, so discharged."

4 & 5 Vict. c. 36, intituled "An Act to amend an Act of the 4 & 5 Vict. c. 34. 6th Years of King William the Fourth, 'for the more easy Recovery of Tithes,' and to take away the Jurisdiction from the Ecclesiastical Courts in all Matters relating to Tithes of a certain Amount," states that "it is expedient to extend all the provisions of the 5 & 6. 74, to all suits in the ecclesiastical courts hereafter to be brought for the recovery of any tithes, oblations, or compositions of yearly value of ten pounds, and of any great or small tithes, impositions, rates, or other ecclesiastical dues or demands of or under the value of 50*l.*, withheld by any Quaker;" and at from and after the passing of this act all the enactments and

Manner of recovering tithes due from Quakers.

1. Summary Remedy for, when due from Quakers.

7 & 8 Will. III.
c. 34.
Complaint.

Summons.

Hearing.

Adjudication and costs.

Distress and sale.

27 Geo. II. c. 20.

7 & 8 Will. III.
c. 6.

7 Geo. IV. c. 15.

Appeal.

II. Summary Remedy for Tithes and Church-Rates Payments due from Quakers only.

The 7 & 8 Will. III. c. 34, s. 4, enacts, that where any Quaker to pay or compound for any tithes, or to pay any church-rates 1 Geo. I. st. 2, c. 6, s. 2, for any customary or other rights, documents belonging to any church or chapel, which of right by custom ought to be paid for the stipend or maintenance of a or curate officiating in any church or chapel], any person, vicar, farmer, or proprietor of such tithes, or any churchwarden or den, or other person who ought to have, receive, or collect any rates, dues, or payments, may make complaint to any two justices, 53 Geo. III. c. 127, s. 6, *ante*, title "Church," one justice,] other as is patron of the church or chapel, or any way interested in

Upon which complaint the said justices shall summon under their hands and seals, by reasonable warning, such Quakers.

And after appearance, or on default of appearance (the summons being proved before them upon oath), they may examine on oath (or in such manner as by this act is provided) the complaint, and to ascertain and state what is due and payable.

And, by order under their hands and seals, they may direct point the payment thereof; so as the sum ordered (as is aforesaid) exceed 10*l.* [And by 53 Geo. III. c. 127, s. 6, 50*l.*] And costs and charges as they shall think reasonable, not exceeding [Sect. 5.]

And, on refusal to pay, it shall be lawful for any one of the justices, by warrant under his hand and seal, to levy the same and sale of the goods of such offender, his executors or administrators rendering the overplus, the necessary charges of distraining being first deducted and allowed by the said justice: unless in case of appeal, and then no warrant of distress shall be granted until the appeal shall be determined. [Sect. 6.]

Therefore, it seemeth best not to make out, at least not the warrant of distress, until after the next sessions.

Note again: here is no time limited for detaining the goods charged allowed for the keeping of it; so that it may be immediately.

And by the 27 Geo. II. c. 20, s. 1, which, in all other cases, gives the justices power, in their warrant of distress, to order the goods to be detained for a certain time, not less than four days, the church-rates of Quakers (although not those other dues and above mentioned) are excepted. See "Distress under Justice". Vol. II.

Also, it is observable here, that the 7 & 8 Will. III. c. 6, limits the warrantings to the two *next* justices (not interested); and the statute of st. 2, c. 6, enlarges the same to *any* two justices (not interested). The complaint, summons, and order, but restrains the distress to the two justices in the statute of the 7 & 8 Will.—that is, to one of the two justices as aforesaid; which possibly may have been an oversight. It may happen hereupon that neither of the two justices whose order can enforce the execution of it by distress. To prevent inconvenience, it may be proper that *one* at least of the justices to be one of the two next justices (not interested). Now, by the 7 Geo. IV. c. 15, (*ante*, p. 267,) in places where justices are as patrons of the church, the tithes may be recovered before any adjoining county.

By 7 & 8 Will. III. c. 6, s. 7, any person aggrieved by the order of the two justices may appeal to the next sessions; where, if the judgment shall be affirmed, they shall decree the same by order and give costs against the appellant, to be levied by distress, so that to them shall seem reasonable.

we acknowledged the jurisdiction of the justices by appeals; whereas, had they intended to dispute the title to tithes, they would at first have removed the order of *y certiorari*. The only difficulty remaining arises from the return filed. But there are several instances of this court superseding the return filed: as, where an order of justices is made, upon the return, that the parties had a right to sessions, and that the time for appealing was not expired before *certiorari* issued; in such case, this court supersedes the writ of *a improvide emanavit*. The same must be done in the present case. (*R. v. Roger, Wakefield, and others, H. T., 31 Geo. II.*)
In cases of distresses, see the 7 & 8 Geo. IV. c. 17, Vol. I., tit. *Costa of distress*.

& 6 Will. IV. c. 74, *ante*, 268, and 4 & 5 Vict. c. 36, *ante*, Jurisdiction of the court of chancery for the recovery of tithes to the amount of 50*l.* due to the superior courts taken away.



: Contempts for Tithes in the Spiritual Court.

Hen. VIII. c. 20, s. 1, if the ecclesiastical judge shall, for Contempt of process, contumacy, disobedience, or other misdemeanour of any *cess*, make information and request to the justice of the shire where the offender dwelleth, to assist him to reform any such person, two of the said justices, (one being

4. Forms.

Contempt after judgment.

of the quorum,) may cause the person to be attached, afterward, till he shall have found sufficient surety, to be bound by recognizance or otherwise, to give obedience to the proceedings, decrees, and sentences of the ecclesiastical court, which shall be.

And by the 32 Hen. VIII. c. 7, s. 4, if any person, affinitive given against him in the ecclesiastical court, shall wilfully refuse to pay his tithes, or duties, or sums of money for the same, two justices (one being of the quorum) may issue, certificate, or complaint in writing, by the ecclesiastical party refusing to be attached and committed to the gaol, shall have found sufficient sureties, by recognizance or otherwise, to form the said definite sentence and judgment.

See the 53 Geo. III. c. 127, *ante*, tit. "Church," Vol.

The remedy against contumacious persons, under the 27 Hen. VIII. is not taken away by the 7 & 8 Will. III. v. *Sanchee*, 1 *Ld. Raym.* 323.)

IV. Forms.

(1). Complaint for tithes due from any person, on 7 & 8 Will. III. c. 6, ss. 1, 6; and 53 Geo. III. c. 127, s. 4.

To J. P., Esq., one [or, "J. P. and K. P., Esqs., two"] of her majesty's justices of the peace in and for the county of

A. B., of , in the said county, clerk, complaineth, that did, on the day of A.D. being upwards fore the day of the date hereof, demand of C. D., of , in the county aforesaid, [farmer,] the tithes [or, agreements for the tithes,"] [offerings, oblations, and obrent justly become due, within two years now last past, from the said A. B., to the value of ; and that the said C. D. hath refused, and doth yet refuse, to pay, and hath nor any part thereof. The said complainant, therefore, pray the premises as to you shall seem meet, and as to the law doth require, the day of , in the year of our Lord .

(2). Summons thereon.

To the constable of , and others whom this Whereas complaint in writing hath been made unto me, J. P. and K. P., two") of her majesty's justices of the peace in and for the said county, by A. B., of &c., in the said county, clerk, that C. D., of , in the said parish of , hath, for above the space of [twenty] time of the said complaint so made unto me [or, "us"], as to pay unto the said A. B., and hath not yet paid, the tithes [and agreements for the tithes"], [offerings, oblations, and obrent justly due, within two years next past, from the said C. D. to the said A. B. to the value of . To command you forthwith, upon sight hereof, to summon the said C. D. to appear before me [or, "us"], and such other of her majesty's justices of the peace for the said county as may be present, at the day of , at the hour of in the forenoon to answer unto the said complaint. And be you then there to remain until I shall have done in the premises. Given under my hand and seal, at , in the said county, the day of of our Lord .

(3). Order thereon for payment of tithes, &c.

Whereas complaint in writing hath been made unto me, J. P., Esq., two [or, "me, J. P., Esq., one"] of her majesty's justices of the peace in and for the said county, by A. B., rector, [or, vicar, &c., of the case may be], of the parish of , in the said county, that C. D., of the county aforesaid [farmer], is justly indebted unto him the sum of £ . to be paid by the said C. D. to the said A. B., or to the rector of the said parish as aforesaid, [or, vicar, &c. as the case may be].

impositions for the tithes and oblations in the said parish ac-
the said C. D. to the said A. B., within two years last past, to
: [or, "hath subtracted and withdrawn certain tithes of
us of , accruing unto him the said A. B., as rector of the
resaid, from the said C. D., within the last two years, to wit,
"], and which have not been sued for or begun to be sued for
Court of Exchequer, or in any Ecclesiastical Court, and that
th failed in payment of the same, although demand thereof hath
said A. B., of , from the said C. D. more than twenty
making of the said complaint, to wit, on , last past, and
nains due and unpaid: now we the said justices (being neither
he church of the said parish of , nor anywise interested
he said parish,) having summoned the said C. D. and the said
ing before us, [or, "the said C. D. not appearing now before us
e said summons, and the service of the said summons being now
upon oath"], and having examined the witnesses and proofs in
duly considered the same, do find that the said C. D. is truly
aid A. B., as rector of , in the sum of , for the
he tithes and oblations aforesaid, [or, "that the tithes aforesaid
racted and withheld as aforesaid, and that the sum of
onable allowance and compensation for the same"]
re adjudge and order the aforesaid C. D. forthwith to pay, or
unto the said A. B. the aforesaid sum of , and also the
264] for the costs and charges of the said A. B. in prosecuting
this behalf, and as upon the merits of the case appear to us
er our hands and seals, at in the said county, the day
ar of our Lord .

reas, on the day of , complaint in writing was made
P., one of her majesty's justices of the peace for the said county,
gentleman, lessee of the rector of the said parish of , that
failed in the true payment of the composition and agreement
[or, "did unduly subtract and detain," as the case may be],
agistment, milk"], and also [as the case may be], which became
within two years then last past, and before and on the
from the said C. D. to the said J. T., as lessee, as aforesaid,
in the said C. D. by the space of twenty days before the making
laint [when no composition had been made, add, and that the
t compounded or agreed or paid for the said tithes (as before),
of]; whereupon the said justice granted a summons in writing,
ul seal, setting forth the said complaint, and required the said
before such two justices of the peace for the said county as
led at &c., in the same county, on &c., at [ten] o'clock in the
er to the said complaint, [when the party appeared, add, "and
ring attended in pursuance of the said summons": Now we
. B. and C. D., respectively being justices of our said lady the
keep the peace in and for the said county, being so assembled
and being neither of us patron of the parish church of &c.,
ways interested in the said tithes, dues, and oblations, having
e truth of the said complaint upon oath, and having heard
n his defence [or, where the party has not appeared, "and
t having appeared before us, in pursuance of the said summons,
ce thereof having been duly proved on oath before us"], do find
it there is justly due from the said C. D. to the said J. T., as
!, the sum of , as a reasonable compensation for the said
igistment, &c.," as the case may be], become due and payable
from the time of making the said complaint; that is to say, on
we do therefore adjudge and order the said C. D. to pay, or
unto the said J. T. the aforesaid sum of , and also the
costs and charges in making and presenting the said complaint.
hands and seals, at , in the said county, the day of
ar of our Lord .

(4). The like, in
another form, on
the complaint of
the lessee of the
tithes.

4. Forms.

(5). Warrant of distress thereon.

} To the constable of _____, in the said county, and to
of the parish of _____, in the said county, and to
all others whom this may concern.

Whereas, upon the complaint in writing of A. B., rector [or, "parish aforesaid, in the county aforesaid, C. D., of &c., in th farmer, hath been duly summoned to appear before us, J. P. and of her majesty's justices of the peace in and for the said count for the nonpayment of the tithes [or, "compositions and tithes"], offerings, oblations, and obventions, due from the said A. B., as rector of the said parish as aforesaid, within two ye for the year _____, and which the said C. D. hath made def although demand thereof hath been made by the said A. B. of C. D. more than twenty days before the making of the sa whereas the said C. D. appeared before us in obedience to the "did not appear before us in obedience to the said summons, as said summons having been duly proved to us on oath"], we, the neither of us patron of the parish church [or, "chapel"] of any way interested in any of the said tithes [compositions, offerings, oblations, or obventions, having duly examined th of the said complaint, have by writing under our hands and what follows correspond with the order] the said C. D. to A. B. the sum of _____, being the value of the said tithes agreements], offerings, oblations, and obventions, which ha the said C. D. to the said A. B. within [two years] next be plaint so made unto us, as aforesaid, together with the sum of and charges of the said A. B. in and about the prosecuting this behalf: which said sums make in the whole the sum whereas it appeareth unto us, the said justices, that the said tice of our said order for the space of ten days and upward the date hereof, but hath refused to pay, and hath not yet of _____, nor any part thereof: these are therefore to comm severally, that you, or some one of you, do forthwith dist chattels of the said C. D.: and, in case the said sum of your reasonable charges of making and detaining the said di or tendered to be paid, by the said C. D. in _____ days [see next after such distress made, that then you do make pub goods and chattels so distrained, as aforesaid, and, out of the such sale, that you pay, or cause to be paid, unto the said of _____, and thereout also deduct and detain your reasonable keeping, and selling the said distress [see ante, 264]; and i remain after such payment and deduction, as aforesaid, that the same unto him, the said C. D., upon demand. Given w seals, at _____ in the said county, the _____ day of _____, Lord _____.

(6). Complaint for Quakers' tithes.
on 7 & 8 Will.
III. c. 34; I Geo.
I. st. 2, c. 6;
and 53 Geo. III.
c. 127, (ante, 269).

To J. P., Esq., one [or, "J. P. and K. P., Esq., two" justices of the peace in and for the county of _____].

A. B., vicar [or, "rector"] of the parish church of _____ county, complaineth,

That C. D., of &c., in the county aforesaid, farmer, being called a Quaker, hath refused to pay unto the said A. B., o the tithes and other rights, dues, and payments belonging to aforesaid, and justly due to the said A. B. from the said C. plainant therefore prayeth such redress in the premises as to and as to law doth appertain. Signed, the _____ day of our Lord _____.

(7). Summons thereon.

} To the constable of _____, in the said county, and
may concern.

Whereas A. B., clerk, vicar [or, "rector"] of the parish in the said county, hath complained unto me, J. P. Esq., one K. P., Esq., two" of her majesty's justices of the peace in county, that C. D., of &c., in the county aforesaid, farmer, monly called a Quaker, hath refused to pay unto the said A. for, the tithes and other rights, dues, and payments belongi

commonly called a Quaker, hath refused to pay to or to compound
B. for his tithes and other rights, dues, and payments belonging
to the aforesaid, and justly due unto the said A. B.: we, there-
fore, being neither of us patron of the parish church of
my way interested in any of the said tithes, rights, dues, or
having duly summoned the said C. D. before us, and having
had the truth of the said complaint upon oath, do find that there
the sum from the said C. D. to the said A. B., the sum of
d appoint the aforesaid C. D. to pay or cause to be paid unto the
aforesaid sum of , and we do also order and appoint the
to pay or cause to be paid unto him, the said A. B., the further
such costs and charges concerning the premises as upon the
case do appear to us just and reasonable, and which said sums
the sum of . Given under our hands and seals, at
My, the day of , in the year of our Lord .

the constable of , and others whom this may concern.

in the complaint in writing of A. B., vicar [or, "rector"] of the
f , in the said county, C. D., of , in the county aforesaid,
person commonly called a Quaker, hath been duly summoned to
J. P. and K. P., Esqrs., two of her majesty's justices of the peace
said county, to be examined for non-payment of his tithes and
dues, and payments belonging to the church of aforesaid,
to C. D. unto the said A. B.: and whereas the said justices, upon
oath, by writing under their hands and seals, have ordered the
sum unto the said A. B. the sum of , for such his tithes and
dues, and payments, as aforesaid, and moreover the sum of 10s. for
the said A. B. in recovering the same, which said sum make to
of ; and whereas it appeareth unto me, J. P., Esq., being
justice, and also being one of the two next justices to the parish
aforesaid, in the county aforesaid, not being patron of the said
way interested in any of the said tithes or other rights, dues, or
the said C. D. hath had due notice of the said order, but hath
th refuse to pay, and hath not paid, the said sum of , nor
f: these are, therefore, to authorize and command you, that you
pay the aforesaid sum of , by distress and sale of the goods

(9). Warrant of
distress thereof.

Tobacco.

[12 Car. II. c. 34; 22 & 23 Car. II. c. 26; 1 & 2 Will. I

FOR the laws of customs and excise concerning tobacco, and Customs," Vol. II.

Planting tobacco.

By the 12 Car. II. c. 34, s. 1, no person shall plant any to of forfeiting the same, or the value thereof, or 40s. for eve of ground planted with it; half to the king, and half to sue in any court of record.

Justices of the peace are to command all constables, &c., to make a return to them of what tobacco is planted and upon whose land.

And by the 22 & 23 Car. II. c. 26, s. 2, (which, by the 5 is continued along with the act of tonnage and poundage of c. 4,) it is enacted, that "all justices of the peace, within limits and jurisdictions, shall and do, a month before every g sessions to be holden for their respective counties, issue fo rants to all high constables, petty constables, and tithingmen several limits, thereby requiring the said high constables, pe and tithingmen, and every of them, to make diligent searc tion, what tobacco is then sown, set, planted, growing, cu made, within their several and respective limits and jurisdi whom ; and to make a true and lawful presentment in writ at the next general quarter sessions to be holden for such names of all such persons as have sown, set, planted, cured tobacco, and what the full quantity of land is or was sown, therewith, and who are the immediate tenant or tenants, cupiers of the land so sown, set, or planted, who are and si planters thereof to all intents and purposes."

**Which present-
ment, being filed,
shall be a suffi-
cient conviction.**

Sect. 3. "Which said presentment upon oath shall be rec by the clerk of the peace of the said county in open sessi such receipt and filing, shall be a sufficient conviction in law and purposes, of all such persons as shall be so presented f setting, planting, improving to grow, making, or curing tot seed, plant, leaf, or otherwise, contrary to the said recited of them, unless such person or persons so presented (havin to him or them of such presentment made, by the deliver such presentment to him or them, or by leaving a copy of ment at his or their dwelling-house or houses, or usual p in the presence of one or more credible witnesses, ten da before the next quarter sessions) shall, at the quarter sessi such notice shall be given to him or them, traverse such and find sufficient sureties for the prosecuting and trying at the quarter sessions to be holden for the said county n traverse shall be entered or made."

**Power given to all
officers, &c., to
pull up and de-
stroy all the
plants, &c.**

Sect. 4. "All constables, tithingmen, bailiffs, and other shall and do, within their respective jurisdictions, from ti often as occasion shall require, within fourteen days after two or more of the justices of the peace within such coun or place, to them, calling to their assistance such person they and every one of them shall find convenient and ne up, burn, consume, tear in pieces, and utterly destroy all plant, leaf, planted, sowed, or growing in any field, earth,

**The penalty of
officers not doing
their duty in
destroying of it.**

Sect. 5. "If any such tobacco shall be suffered or per or be consumed in seed, plant, or leaf, in any township, t hamlet, or place, by the space of fourteen days after the r warrant or warrants, by the said constables, tithingmen, ba public officers of the respective townships, tithings, parish as aforesaid, that then such constables, tithingmen, ba public officers respectively, shall, for every such offence, fe the sum of 5s. for every rod, perch, or pole of ground so s

with tobacco, and so proportionably for a greater or lesser quantity 23 & 24 Geo. II. c. 26.
and; the one moiety thereof to the king's majesty, and the other
to him or them that shall sue for the same, to be recovered
in of date, bill, plaint, or information, in any of his majesty's

persons shall refuse or neglect to aid The penalty for
any constable, bailliff, or other public officer referring to aiding
act, that every such person or persons,
whereof needs before two justices
here such offence shall be committed,
, to be levied by warrant from the said
the offender's goods; and in case no
such offender shall be committed to the
there to remain for the space of one

persons whatever shall forcibly resist The statutory
the officer, or other person or persons for resisting the
of this act, that then every such person,
ction thereof made before two justices
here such offence shall be committed,
, to be levied by warrant from the said
the offender's goods; and in case no
such offender shall be committed to the
there to remain for the space of three

, nor anything therein contained, shall^{sic in act.}
ring of tobacco in any physic garden of A rating for
private garden for physic or chirurgery tobacco planted
exceed not one half of one pole in any garden.

L. 1 & 2 Will. IV. c. 13, intituled *An Act to repeal an Act of the 1 & 2 Will. IV.*
& Year of King George the Third, for repealing so much of several c. 13.
prohibit the Growth and Produce of Tobacco in Ireland, and to per-
sportation of Tobacco of the Growth and Produce of that Kingdom
of Britain," (23d August, 1831), reciting, "Whereas by an act 12 Car. II. c. 34.
the twelfth year of the reign of king Charles the Second, inti-
Act for prohibiting the planting, setting, or sowing of Tobacco in
or Ireland, and by certain other acts since passed, the setting,
or improving to grow, making, or curing any tobacco, either in
it, or otherwise, within the kingdom of England or in the kingdom
of, is prohibited, except in any physic garden of either universities,
or other private garden for physic or chirurgery, only so as the
planted exceed not one half of one pole in any one place or gar-
Whereas by an act passed in the nineteenth year of the reign of his
king George the Third, intituled *An Act to repeal so much of several 19 Geo. III. c. 25.*
Parliament as prohibit the Growth and Produce of Tobacco in Ire-
land to permit the Importation of Tobacco of the Growth and Produce
Kingdom into Great Britain under the like Duties and Regulations
as of the Growth of the British Colonies in America is permitted to
be, so much of the said first-recited act, and of another act made
the twentieth year of the reign of king Charles the Second, intituled *An 15 Car. II. c. 7.*
the Encouragement of Trade, or of any other act which prohibited
the setting, planting, or improving to grow, making, or curing
either in plant, seed, or otherwise, in the kingdom of Ireland, was
and whereas by an act passed in the twenty-second year of the 22 Geo. III. c. 73.
his said majesty king George the Third, for explaining the said
act, and for permitting the use and removal of tobacco, the growth
and into England for a limited time, under certain restrictions, it
acted and declared, that the said first-recited act of the twelfth
the reign of king Charles the Second, and every other act and

Recited act, 19
Geo. III. c. 35,
repealed; and 12
Car. II. c. 84,
revived in and
extended to Ire-
land.

Acts to be put in
force by officers of
excise and cus-
toms.

Penalties and for-
feitures to be sued
for, and goods to
be condemned,
under acts relat-
ing to customs
and excise.

Penalty on having
tobacco the
growth of the
United Kingdom
in possession, &c.

acts which had since passed for prohibiting the culture of land, should extend and be construed to extend to the Britain called Scotland: and whereas it is expedient to recite act of the nineteenth year of the reign of his said George the Third, and to revive in and extend to Ireland act of the twelfth year of king Charles the Second, and since passed for prohibiting the growth and culture enacted, "That the said recited act passed in the ninth year of his said majesty, for repealing so much of t prohibited the growth and produce of tobacco in Ireland repealed; and that the said recited act of the twelfth year of king Charles the Second, and so much of an act passed year of the same reign as imposes certain penalties on culture of tobacco in England and Ireland, and all an and acts which have since passed for prohibiting the gr of tobacco in Great Britain, shall be revived in and st be deemed and construed to extend to Ireland; and t lawful to plant, set, improve to grow, or cure, either otherwise, any tobacco in any part of the United Ki except in the places and in the quantities and for the pr acts mentioned and allowed."

Sect. 2. "The several acts for prohibiting the grow tobacco shall and may be put in force, in and throughout dom, by the commissioners and by any officer or offic excise; and all sheriffs, mayors, bailiffs, and constab them, shall act in execution of the said acts on the i officer of excise as well as of any officer of customs."

Sect. 3. "The several penalties and forfeitures in an of the twelfth and fifteenth years of the reign of king Ch or by this or any other act prohibiting the growth and imposed, shall and may be sued for, recovered, and levied under the said acts condemned, by the same means, manner, and under the same rules, restrictions, and r penalties or forfeitures may be sued for, recovered, : seizure condemned, under any act or acts relating to th toms or excise; and all such penalties and forfeit recovered, be applied and disposed of in the same manne forfeitures are directed by the said last-mentioned acts be applied and disposed of; and all tobacco the growth United Kingdom, and all snuff made from such tobacco condemned, shall be disposed of in the same manner as to be imported."

Sect. 4. "If any tobacco, the growth or produce of the United Kingdom, manufactured, or unmanufactured, o tobacco of foreign growth, shall be delivered to, receive the possession of any manufacturer, dealer in, or retailer snuff, in any quantity whatsoever, or if any such delivered to, or received by, or be found in the posses person or persons whatsoever in any quantity exceeding weight, or if any manufacturer or dealer in or retailer o shall manufacture or use any tobacco of the growth o United Kingdom, or shall mix any such tobacco with foreign growth, or with any snuff made from tobacco o or if any manufacturer, dealer in, or retailer of tobacco chase or sell any tobacco of the growth of any part of the or any tobacco or snuff manufactured in the whole tobacco the growth of any part of the United Kingdom whatsoever shall sell or dispose of any such tobacco, e factor, dealer and retailer, and other person so offend cases respectively aforesaid, shall for every such offence one hundred pounds; and all such tobacco of the grov

III. c. 35; Magna Charta, c. 17; 52 Hen. III. c. 10; 13 Edw. I. c. 1.
[3 Edw. III. c. 17; 31 Edw. III. st. 1, c. 15; 1 Edw. IV. c. 2.]

sheriff's torn is the king's court of record holden before the ^{Torn}, what.
for the redressing of common grievances within the county. (2
B. & 2.)

Meaning of the
word.
Sorasmuch as the sheriff did go in the circuit twice every year
out every hundred within the county, it was called tour or town,
signifieth a circuit or perambulation. (2 Inst. 70.)

as 31 Edw. III. st. 1, c. 15, the sheriff shall make his turn yearly, When to be
within a month after Easter, and another time within a month after holden.
times; and if he holds it in other manner, he shall lose his turn for
e: that is, the court so holden for that time shall be void, and the
shall lose the profit thereof. (2 Inst. 71.)

also by 9 Hen. III. c. 35, he shall keep his turn nowhere but in Wheres to be
accustomed. holden.

the statute of Marlbridge, 52 Hen. III. c. 10, archbishops, bishops, Who need not
bishops, men of religion, or women, shall not need to come to the appear at the
turn, unless their presence be specially required for some cause; torn.

they have tenements in divers hundreds, they shall not need to come
but in the bailiwicks where they dwell. (See 2 Hen. c. 10, s. 11.)
men in ancient demesne are privileged by the common law from
g to this court, unless they and their ancestors have time out of
used to come to it. Also, persons of churches have the like privi-
y the common law. (2 Hen. c. 10, s. 11.)

all other persons, being above the age of twelve years, are bound Who are to ap-
pear at such courts, in order to make inquiry of all common griev- pear at the torn.

Torn.

ances, and also give security to the public for their good behaviour, by taking an oath to be faithful to the king, and to observe his laws, and also by incorporating themselves into some free pledge or tithing, which formerly signified a certain number of families living together in the ~~same~~ precinct, the masters whereof were every one of them mutually bound for each other, and punishable for the default of any member of any ~~such~~ family in not appearing to answer for himself on any accusation ~~made~~ against him. (2 *Haw.* c. 10, s. 2.)

Jurors.

The 6 Geo. IV. c. 50, repeals the 1 Rich. III. c. 4, relating to jurors in the torn. (See "Jurors," Vol. III.)

If the defendant except not to an unqualified juror upon his arraignment, he is concluded by that omission. (2 *Hale*, 70.)

By the 13 Edw. I. st. 2, c. 13, the jury shall put their seals to their inquisitions.

Indictments to be indented.

By the 1 Edw. III. c. 17, indictments in the torn shall be by ~~re~~ indented, one part to remain with the inditors, and the other with him that taketh the inquest.

Distress and sale.

It seems to be settled at this day, that a distress is incident of common right to every fine and amerciament in the torn; and that the offendee's goods may be distrained in any lands within the precinct of the court, in the highway; and that the goods distrained may be sold. But the bailiff must have a special warrant to make distress. (2 *Haw.* c. 10, s. 2.)

Or the fine may be recovered by action of debt. (*Id.* s. 31.)

But no offence is cognizable in the torn, unless it arise since the holding of the last court. (*Id.* s. 50.)

It seems to be agreed, that a presentment in the torn of any offence within the jurisdiction of the court, being neither capital nor concerning any freehold, subjects the party to a fine or amerciament, without any traverse. (*Id.* s. 76.)

Indictment to be certified to the sessions.

By *Magna Charta*, 9 Hen. III. c. 17, the sheriff is restrained in his ~~right~~ from hearing and determining indictments of felonies; yet the sheriffs commonly make out process or precepts in nature of a *capias* to arrest parties; but by 1 Edw. IV. c. 2, their power of making out process upon these indictments is taken away as well in cases of indictments of felonies as other misdemeanours within their cognizance; but they are to deliver all such indictments and presentments to the next sessions, who are to make out process thereupon, and hear and determine them. (2 *Hale*, 7.)

And the estreats of the fines thereupon shall be enrolled, and by indenture be delivered to the sheriff, to the use of him that was sheriff at the time of the indictment so taken in the torn as aforesaid.

The constables of common right are to be chosen and sworn in the ~~town~~ or leet. (2 *Haw.* c. 10, s. 37. See title "Leet.")

Township, Statement of, in Indictment, see Vol. III.;—Statement of Property in, see Vol. III.

Trade. Injuries to Manufactures, &c., see "Malicious Injury to Property," Vol. V.;—Setting Fire to Buildings used for the Purpose of, see "Burning," Vol. I.;—See also "Factories," Vol. III.;—"Manufactures," Vol. V.;—"Linen," Vol. III.;—"Silk,"—"Servants," Vol. V.;—"Woollen," post.

Training to Arms. See "Riot," Vol. V.

Traitor. See post, "Treason."

~~AS THIS SUBJECT WAS UNKNOWN AS A PUNISHMENT TO THE COMM. ITS ORIGIN.~~
England. (*Fleetwood v. Finch*, 2 H. Bla. 223; 3 P. Wms. 38; 137.) The only case in which it arose seems to have been this, where the party accused fled to a sanctuary, confessed and took an oath to leave the kingdom at the port assigned him to return without permission of his majesty. (4 Bla. This was evidently not a punishment, but a condition of was expressly contended by *Magna Charta*, that no freeman should unless by the judgment of his peers or by the law of Eng. III. st. 1, c. 29.)

that *exile* was first introduced as a punishment by the legislature in the thirty-ninth year of queen Elizabeth, when a statute (39 Eliz. 1576) that such rogues as were dangerous to the inferior people should be banished the realm (*Barr. Arch. stat. 445, 5 Edw.*); and that the statute in which the word *transportation* is used, is the 18 Car. 1. gives a power to the judges, at their discretion, either to transport to America, for life, the moss-troopers of Cumberland and Westmoreland. (2 Wood, 498. And see 22 Cor. II. c. 5; 22 & 23

The act 18 Car. II. was made perpetual by the 31 Geo. II. 1701. c. 9, p. 137, n.)

This was first brought into general use as a punishment anno when first brought into general use.
Geo. I. c. 11, and continued by the 6 Geo. I. c. 23, which gave the court a discretionary power to order felons who were liable to their clergy, to be transported to the American plantations.

statutes, the persons contracting for the transportation of colonies, or their assigns, had an interest in the service even or fourteen years, according to the term of trans-

th and others, (1 Leach, 441,) it was held, that sentence ^{Second sentence} of transportation. on may be passed a second time upon a prisoner, although ^{of transportation.} which he before received sentence of transportation be not

of transportation for fourteen years, if bad for excess, is ^{Judgment, if bad in part, bad in toto.} Judgment, if bad in part, bad in toto. (R. v. Ellis, 1.}

We will proceed to consider this title under the following

I. *The Statutes regulating the Transportation of, and Custody, and other Matters relative to them Sentence and abroad.*

II. *The Offence of returning from Transportation.*

Acts in force regulating transportation, &c.

5 Geo. IV. c. 84.
Commencement
of act under the
provisions of
which all persons
already sentenced
or ordered for
transportation
shall be placed.

Offenders ad-
judged for trans-
portation to be
transported under
this act.

Power for subse-
quent court, &c.,
to allow condi-
tional pardon in
cases where his
majesty extends
mercy to the of-
fender.

I. The Statutes regulating the Transportation, &c.

The principal act now in force regulating the transportation is 5 Geo. IV. c. 84, which revives and consolidates all the subject.

By the 5 Geo. IV. c. 84, intituled "An Act for the Regulation of Offenders from Great Britain," after reciting, that "whereas laws in force for regulating the transportation of offenders from Great Britain will expire at the end of the present session of parliament; it is expedient that the laws relative to that subject shall be consolidated into one act:" it is enacted, "That this act shall commence on the last day of this present session of parliament; and from that day, all things remaining to be done, touching the imprisonment, correction, removal, transportation, discipline, diet, and clothing, of persons sentenced or ordered to be transported or banished from any part of Great Britain, under laws before or now in force, or pardoned on condition of being under any such acts, shall be continued, done, and complied with according to the provisions of this act; and that all sentences and orders of the king in council, and other orders, warrants, instructions, appointments, authorities, contracts, and securities given under any of the said acts, and in force at the time of the commencement of this act, shall continue in force under and by virtue of this act, unless and until they shall be revoked or superseded."

Sect. 2. "From and after the commencement of this act, any person convicted before any court of competent jurisdiction in Great Britain of any offence for which he or she shall be liable to be transported or banished, shall be adjudged and ordered to be transported or banished beyond the seas, for the term of life or years for which such offender may be liable by any law to be transported or banished; and every sentence of transportation or banishment passed or to be passed on any offender before any court of competent jurisdiction in Great Britain, and every sentence of transportation or banishment made or to be made in pursuance of any such court or other competent authority, shall be construed so as to require the offender to be conveyed beyond the seas under the provisions of this act, and whenever his majesty shall be pleased to extend mercy to any person convicted of any crime for which he or she is or shall be liable to be transported or banished, upon the benefit of clergy, upon condition of transportation either for the term of life, or any number of years, and such mercy shall be signified by one of his majesty's principal officers in the state to the court before which such offender hath been convicted, or any subsequent court with the like authority, shall allow to such offender the benefit of a conditional pardon or order for the immediate transportation of such offender; and intention of mercy shall be so signified to the judge or to whom such offender hath been or shall be convicted, or to his majesty's court of King's Bench or Common Pleas, or to the Exchequer of the degree of the coif in England, such lord or baron shall allow to such offender the benefit of a conditional pardon or order for the immediate transportation of such offender in the same manner as if such intention of mercy had been signified to him."

men, from time to time, to appoint any place or places beyond
the within or without his majesty's dominions, to which felons
finders under sentence or order of transportation or banish-
ment are conveyed; and that, when any offenders shall be about to
be transported or banished from Great Britain, one of his majesty's
secretaries of state shall give orders for their removal to the ship
employed for their transportation, and shall authorize and empower
to make a contract for their effectual transportation to some
place appointed, and shall direct security to be given for their
transportation, in the manner hereinafter mentioned."

The sheriff or gaoler receiving such order of removal shall forthwith remove every offender to whom the same shall relate, having been examined by an experienced surgeon or shall appear to be free from any putrid or infectious distemper, to be transported to the ship employed for his or her transportation, and there deliver every such offender to the contractor, together with a certificate, attested by such sheriff or gaoler, of the caption and part by which each such offender was sentenced or ordered to be transported, containing the sentence or order of transportation of such offender, by virtue whereof he or she shall be in the custody of such sheriff or gaoler; and also a certificate specifying concisely the date of his or her crime, his or her age, whether married or unmarried, + ^{Sic in act.} sex or profession, and an account of his or her behaviour in and after trial, and the gaoler's observations on his or her disposition, and such information concerning his or her former course of life as may have come to the gaoler's knowledge. Such contractor shall give a receipt in writing to the sheriff or gaoler, attesting the discharge of such sheriff or gaoler."

Every such contractor, with two securities, shall, before any offenders are delivered to him to be transported, give security by his majesty, that he will effectually transport, or cause to be transported, every offender included in his contract, to such place beyond the colony, or other person or persons to whom he shall be sent, of the principal secretaries of state to deliver such certificate of the landing of such offender in that place,

Secretary of state
to authorise per-
sons to make con-
tracts for trans-
portation.

Sheriffs or gaolers,
on receiving or-
ders for removal
of offenders for
transportation, to
deliver them over
to the contractor,
if free from dis-
temper.

Persons under-
taking to trans-
port offenders to
give proper
security.

1. Statutes Regulating.

5 Geo. IV. c. 84.

Such punishment to be entered on log book.

Secretary of state may give custody of offenders transported in king's ships, without security.

Governor of the colony, &c., to have property in service of offender.

What persons deemed governors.

King's prerogative.

His Majesty to appoint places of confinement of offenders in England.

Order of removal.

Duty of sheriff

probation thereof in writing under his hand; and every such punishment or correction, together with the particulars of the offence for which the same is inflicted, and such written approbation as aforesaid, shall be entered by such master or principal aforesaid, upon the log-book of the ship, under a penalty of 20l. for neglect to make such entry, to be recovered to the use of the master by bill, plaint, or information in any court of record in England or one of the supreme courts of New South Wales, or Van Diemen's Land.

Sect. 7. "Provided, that whenever the transportation of any offender shall take place in any ship belonging to his majesty, it shall be lawful for one of the principal secretaries of state, by warrant under his hand, to nominate some person or persons who shall have the power of punishing such offender during the voyage, and thereupon such offender shall be delivered to such nominee or nominees, without any contract or agreement being required or given for the effectual transportation of such offender; and every such nominee shall have the like power of punishing such offender for riotous and disorderly conduct in such offender during the voyage, and hereby given to the surgeon of a ship specially employed for the transportation of offenders."

Sect. 8. "So soon as any such offender shall be delivered to the governor of the colony, or other person or persons to whom the governor or such nominee or nominees as aforesaid, shall be so directed by him or her, the property in the service of such offender shall be delivered to the governor of the colony for the time being, or in such other person or persons; and it shall be lawful for the governor for the time being, and for such other person or persons, whenever he or they shall see fit, to assign any such offender to any other person for the remainder of his or her term of transportation, and for such assignee to receive such offender, and so often as may be thought fit; and the service of such offender shall continue in the governor for the time being, or in such other person or persons as aforesaid, or as the governor assigns, during the whole remaining term of life or years for which such offender was sentenced or ordered to be transported: provided that for the purposes of this act, every person administering the government of a colony, by whatever name or title he may be denominated, shall be deemed to be the governor thereof."

Sect. 9. "Provided that nothing in this act contained shall in any manner affect his majesty's royal prerogative of mercy."

Sect. 10. "It shall be lawful for his majesty, from time to time, by warrant under his royal sign manual, to appoint places of confinement of male offenders within England or Wales, either at land or on board vessels moored by his majesty in the river Thames, or some other river within the limits of some port or harbour of England or Wales, for the confinement of male offenders under sentence or order of transportation, which shall be under the management of a superintendent appointed by his majesty; and that it shall be lawful for his majesty's principal secretaries of state to direct the removal of any offender who shall be under sentence of death, but who shall be reprieved or whose sentence shall be respited during his majesty's pleasure, or who shall be under sentence or order of transportation, and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol or prison in which such offender shall be confined, to any of the places of confinement so appointed; and every offender so removed shall continue in the said place of confinement until such offender shall be removed to and confined in some other such place or places as his majesty's principal secretaries of state shall from time to time direct, until such offender shall be transported according to law, or shall become entitled to his liberty, or until one of his majesty's principal secretaries of state shall direct the return of such offender from the prison from which he shall have been removed; and the

shall be ordered 1. Statute
or the receipt of Registering.

such offender to _____
superintendent or 5 Geo. IV, c. 64.
riff or gaoler, of and gaoler
it was sentenced thereon.

order of trans-
shall be in the
specifying con-
ed or unmarried,
in prison before
temper and dis-
cous and former
edge; and such
to the sheriff or

one fit and able Appointment by
nment; and in his majesty of
his majesty also superintendence of
y to such super-
ment, and to be
which he shall be
er of each such
care and guarda,
shall personally
a every year, or
amine into the
conduct of the
wards, the treat-
the several earn-
confinement, and

t of the same to Report of state of
such places to
secretary of state.

is majesty's principal secretaries of state, who shall cause such
be laid before both houses of parliament at the beginning of
ision: and such superintendent shall distinguish in such report
nt of the earnings and expenses at each of such places of con-
, and shall state the average number of prisoners confined therein,
number of days' labour done by such prisoners, distinguishing
. of artificers, and of any other superior labourers, from that of
labourers; and such superintendent shall also, in matters of
necessity, make a special report thereof to one of his majesty's
l secretaries of state, who may and is hereby authorized to afford
ress or provide such regulations as he shall deem proper; and
superintendent, assistants, or deputies, and overseers, shall continue
during his majesty's pleasure, and shall receive such salaries as
is majesty's principal secretaries of state shall appoint; and such
endant shall be paid such travelling and other reasonable expenses
be incurred by him in discharge of his duty."

12. " Whenever any offender shall be brought to any such place
as aforesaid, in pursuance of the powers of this act, he shall
ed, cleansed, and purified, and the clothes in which he shall be
shed shall be burnt, if necessary, or otherwise shall be pre-
and taken care of for him by the overseer, and re-delivered to
in his quitting it, or sold for his benefit, and the produce thereof
ed for to him by the overseer; and when such offender shall be
licharged, such other decent clothing, as shall be judged necessary
per by the superintendent, shall be delivered to such offender by
near, and also such sum of money for his immediate subsistence
superintendent shall think proper, so as such sum shall not in any
ceed 3*l.*"

13. " It shall be lawful for his majesty, by any order or orders in His majesty, in
, to declare his royal will and pleasure, that male offenders con- council, may di-

Regulations for
cleansing and
purifying and
clothing of
fenders.

Subsistence al-
lowed on dis-
charge.

1. Statutes
Regulating.

5 Geo. III. c. 84.

rect convicts to be employed in any part of his dominions out of England, under management of superintendent and overseer.

Superintendent to make returns of prisoners to secretary of state as herein mentioned.

Power and duties of superintendent and overseers.

Superintendent empowered to act as a justice of the peace.

victed in Great Britain, and being under sentence or order, shall be kept to labour in any part of his majesty's of England, to be named in such order or orders in co whenever his majesty's will and pleasure shall be so deck it shall be lawful for one of his majesty's principal secret direct the removal and confinement of any such male of land or on board any vessel to be provided by his maj limits of any port or harbour in that part of his maje which shall be named in such order in council, under the the said superintendent, and of an overseer to be appoin jesty for each such vessel or other place of confinement; offender who shall be so removed shall continue on bos other place of confinement to be so provided, or any other place of confinement to be from time to time prov jesty, until his majesty shall otherwise direct, or until t be entitled to his liberty."

Sect. 14. "The said superintendent shall from time t turns, specifying the name of every person in custody places of confinement, the offence of which he shall have court before which he shall have been convicted, and such court, together with his age and bodily state, an whilst in custody; and also the names of such offenders died whilst in such custody, or shall have escaped, or ha discharged from the same; which returns shall be made of January, April, July, and October, in every year, to one principal secretaries of state, on the oath of the overseer confinement, such oath to be made before a justice of th

Sect. 15. "After the removal of any offender under th intendant and overseer, who shall have the custody of h the term of such custody, have the same powers over hi to the office of a sheriff or gaoler, and shall in like man for any escape of such offender; and if any offender st custody, be guilty of any misbehaviour, or disorderly co intendant or overseer shall be authorized to inflict, or cau on him, such moderate punishment or correction as sh one of his majesty's principal secretaries of state; and suc or overseer shall also, during such custody, see every c clothed according to a scale of diet and clothing to t notified in writing by one of his majesty's principal secre the superintendent; and shall keep such offender to labou and under such regulations, directions, limitations, and by such secretary of state shall from time to time be pr case of the absence of any such superintendent or ov vacancy of his office, his duties or powers shall be di censed in all respects by the officer or person on whom the place of confinement shall devolve."

Sect. 16. "It shall be lawful for such superintendent, authorized, in every such place of confinement as aforesaid or on board any vessel to be provided as aforesaid, and al wherein any offenders under his superintendance shall labour, to act in every respect as a justice of the peace, a named in the commission of the peace, and had been act as a justice of the peace for the county or place in place of confinement shall be, or any such offender shall labour."

Sect. 17. After reciting, that "by the laws in force in majesty's dominions not within the United Kingdom, of certain offences are liable to be punished by transport seas, and other convicts adjudged to suffer death in majesty's dominions have received or may receive his gracious pardon, upon condition of transportation beyo there may be no means of transporting such convicts to

1. Statutes
Regulating.

5 Geo. III. c. 84.

rect convicts to be employed in any part of his dominions out of England, under management of superintendent and overseer.

Superintendent to make returns of prisoners to secretary of state as herein mentioned.

Power and duties of superintendent and overseers.

Superintendent empowered to act as a justice of the peace.

victed in Great Britain, and being under sentence or order of tion, shall be kept to labour in any part of his majesty's do of England, to be named in such order or orders in council whenever his majesty's will and pleasure shall be so declared it shall be lawful for one of his majesty's principal secretaries direct the removal and confinement of any such male offend land or on board any vessel to be provided by his majesty limits of any port or harbour in that part of his majesty' which shall be named in such order in council, under the ma the said superintendent, and of an overseer to be appointed jesty for each such vessel or other place of confinement; an offender who shall be so removed shall continue on board other place of confinement to be so provided, or any simi other place of confinement to be from time to time provide jesty, until his majesty shall otherwise direct, or until the be entitled to his liberty."

Sect. 14. "The said superintendent shall from time to t turns, specifying the name of every person in custody in places of confinement, the offence of which he shall have be court before which he shall have been convicted, and the such court, together with his age and bodily state, and l whilst in custody; and also the names of such offenders : died whilst in such custody, or shall have escaped, or have discharged from the same; which returns shall be made on of January, April, July, and October, in every year, to one of principal secretaries of state, on the oath of the overseer of confinement, such oath to be made before a justice of the p

Sect. 15. "After the removal of any offender under this a intendant and overseer, who shall have the custody of him, the term of such custody, have the same powers over him a to the office of a sheriff or gaoler, and shall in like manner l for any escape of such offender; and if any offender shall custody, be guilty of any misbehaviour, or disorderly condu intendant or overseer shall be authorized to inflict, or cause on him, such moderate punishment or correction as shall one of his majesty's principal secretaries of state; and such s or overseer shall also, during such custody, see every offe clothed according to a scale of diet and clothing to be notified in writing by one of his majesty's principal secreta the superintendent; and shall keep such offender to labour : and under such regulations, directions, limitations, and i by such secretary of state shall from time to time be presc case of the absence of any such superintendent or overs vacancy of his office, his duties or powers shall be dischercised in all respects by the officer or person on whom the the place of confinement shall devolve."

Sect. 16. "It shall be lawful for such superintendent, and authorized, in every such place of confinement as aforesaid, or on board any vessel to be provided as aforesaid, and also wherein any offenders under his superintendance shall be labour, to act in every respect as a justice of the peace, as is named in the commission of the peace, and had been du act as a justice of the peace for the county or place in whi place of confinement shall be, or any such offender shall b labour."

Sect. 17. After reciting, that "by the laws in force in son majesty's dominions not within the United Kingdom, offend of certain offences are liable to be punished by transportatio sea, and other convicts adjudged to suffer death in such majesty's dominions have received or may receive his n gracious pardon, upon condition of transportation beyond there may be no means of transporting such convicts to any

construed to extend, to every convict who may have been or is adjudged to transportation by any court or judge in any ~~city's~~ dominions not within the United Kingdom, and to adjudged by any such court or judge to suffer death, and addition of transportation, and brought to England in order ed, as fully and effectually, to all intents and purposes, as had been convicted and sentenced at any session of gaol for any county within England."

It shall be lawful to keep to hard labour every offender under ~~law~~ of transportation, while he or she shall remain in the ~~place~~ his or her health shall permit, and if one or more of the ~~offenders~~ of such gaol shall give a written order to that effect; and it shall be lawful for one of his majesty's principal secretaries of state, or such other person as he or she shall think fit, to order that any such offender be removed from gaol to the house of correction, and there kept to hard

Convicts may be kept to hard labour, and may be removed to house of correction.

The time during which any offender shall continue in any ~~place~~ Time of imprisonment or confinement, or in any such place of confinement as aforesaid, or in any such place of confinement as before-mentioned or order of transportation or banishment, shall be counted in discharge, or part discharge, of the term of his or her ~~conviction~~ or banishment."

The sheriff or gaoler, and every person employed in the service of any offender, in order to be transported or banished, or to be confined in any such place of confinement as aforesaid, or in the

Offenders may be carried through any county to the seaport.

Removal of any offender from any such place of confinement to the ~~place~~ from which he was removed, may, in such manner as he or she may direct, carry and secure such offender in and through any county or county town, towards the seaport or place from whence he or she is removed or banished, or where he or she is to be confined, or to the ~~place~~ to which he or she is to be reconveyed."

In England and Wales, all such fees, on the delivering out of any such offender so ordered to be transported or removed, as have been paid to the sheriff or gaoler, and all reasonable expenses which the sheriff or gaoler shall incur in every such removal, shall be paid by the county, riding, division, city, borough, liberty, or place, for

Expenses of removal to be paid by county where conviction took place.

1. Statutes Regulating.

5 Geo. IV. c. 84.

Proviso for persons banished under 60 Geo. III. c. 8.

For protecting transported felons herein mentioned in the enjoyment of property acquired after conviction.

In actions for executing act.

General issue.

In what case no costs to plaintiffs.

Limitation of actions.

Repeal of acts.

By sect. 25, the act is not to extend to persons adjudged under the 60 Geo. III. c. 8, as to blasphemous and seditious, now, by the 1 Will. IV. c. 73, that part of the 60 Geo. I.

Sect. 26. "And whereas it hath sometimes happened, in sentence or order of transportation in New South Wales adjacent, have received from the governor or lieutenant-colonel remissions, either absolute or conditional, of the whole of the term of their transportation, and have by their property, in the enjoyment whereof it is expedient to prevent the like may happen in future in the same colony, and in which felons may be transported under and by virtue of it therefore enacted, "That it shall and may be lawful for sentence or order of transportation, who hath received any such remission as aforesaid from the governor or lieutenant-colonel of New South Wales, or from the governor or lieutenant-colonel of another colony, who may be authorized to grant the same, shall reside in a place where he lawfully may reside under order, or remission, and under the provisions of this act, action or suit for the recovery of any property, real, personal, or injury sustained by such felon since his or her conviction, and the courts of the colony or place where such felon shall but also in the courts of this kingdom, and of all other dominions; and if the defendant in any such action or suit shall allege in his defence the plaintiff's or complainant's conduct and the plaintiff or complainant shall allege and prove that he received such remission as aforesaid, and is residing inconsistent therewith and with the provisions of this act, a verdict and judgment shall be given, for the plaintiff or complai-

Sect. 27. "If any suit or action shall be prosecuted in England or Ireland, against any person for anything done in pursuance of this act, the defendant may plead the general issue, and give special matter in evidence at any trial to be had thereupon to shew that the same was done by the authority of this act; and if a verdict be given for the defendant, or judgment shall in any manner be given for the plaintiff, the defendant shall recover treble costs, and having regard to the same as any defendants have by law in other cases standing a verdict shall be given for the plaintiff in any suit, the plaintiff shall not have costs against the defendant, unless before whom the trial shall be had shall certify his agreement with the verdict."

Sect. 28. "All actions, suits, and prosecutions against any person for anything done in pursuance of this act shall be commenced within two calendar months after the fact committed, and not otherwise; if the fact was done within the body of any county, it shall be tried in that county, and no other; and if done out of the body of the county, it shall be laid and tried in the county of Middlesex, and no other."

By sect. 29, from and after the commencement of this act, the 4 Geo. I. c. 11 (a), as relates to contracts and securities for the transportation of offenders, and to the punishment of those sentenced to transportation; and so much of the 6 Geo. I. c. 23 (a), as relates to the same objects; and the 16 Geo. II. c. 15, and 8 Geo. II. c. 16, as much of the 28 Geo. III. c. 24, as relates to the transportation of offenders, and their removal to and imprisonment in penal confinement (*viz.* sect. 4, 5); and so much of the 31 Geo. III. c. 11, as relates to the imprisonment and employment in hard labour of persons sentenced to transportation (*viz.* sect. 7); and the 43 Geo. III. c. 12, as relates to the same objects, shall be repealed.

(a) The 7 Geo. IV. c. 27, repeals the rest of these two acts, and the 4 Geo. I. c. 11.

for their transportation, and shall authorize and empower
make a contract for their effectual transportation to some
appointed, and shall direct security to be given for their
station, in the manner hereinafter mentioned; and it is
enacted, that whenever the transportation of any such
be place in any ship belonging to his majesty, it shall be
the principal secretaries of state, by warrant under his
to some person or persons who shall have the custody of
ring the voyage, and thereupon such offender may be
. nominee or nominees, without any contract or security
given for the effectual transportation of such offender;
further enacted, that so soon as any such offender shall
be governor of the colony, or other person or persons to
ctor or such nominee or nominees as aforesaid shall be so
t him or her, the property in the service of such offender
the governor of the colony for the time being, or in such
persons as aforesaid: and whereas divers felons and other
heretofore been transported from Great Britain to his
s of * South Wales and Van Diemen's Land respectively, * s.c.
s of the directions of one of the principal secretaries of
livered to the governors of those respective colonies, or
those colonies to whom such respective contractors or
esaid have been so directed to deliver them; but, from
n causes, it hath occurred that some of such offenders
d and put on shore, and delivered at one of the before-
ies, who ought, according to such directions as aforesaid,
ded and put on shore, and delivered at the other of the
d colonies: and whereas, under the licences of the
said respective colonies, divers offenders who had been
oresaid, have from time to time been removed from the
of the said colonies: and whereas doubts have arisen
s who have been so landed, put on shore, and delivered
oresaid, can, within the respective colonies in which they
rely resident, be lawfully dealt with in such and the same
y were respectively resident within the colony to which
nally sentenced or ordered to be transported;" it is

1. Statutes regulating Transportation, &c. of Offenders.

11 Geo. IV. & 1 Will. IV. c. 39.

Governor of the one colony may receive felons who are ordered to be delivered in the other colony.

Governor of one colony may remove felons to the other colony.

Convicts removed from one colony to another liable to punishment for disorderly conduct.

Convicts removed from one colony to another to be subject to the regulations of the colony to which removed.

such colony, and shall within the colony in which they now resident be dealt with, governed, and disposed of in such and the same manner, as other convicts within the colony, so that the property in the service of all such offenders shall be governed or officer administering the government of the colony in which they are actually resident, in the same manner, and subject to the same rules and conditions, as if they had been ordered on their original transportation to be delivered to such colony.

Sect. 2. "In any case in which a ship conveying offenders from the United Kingdom of Great Britain master of which has entered into a contract or been ordered to receive such felons or other offenders at the colony or place of destination, by stress of weather or otherwise, shall convey such felons or other offenders to any other colony where such offenders may legally be transported or banished, the officer administering the government of such other colony shall hereby authorized, if he shall deem it expedient, to receive such felons or other offenders in the said colony or place, and such felons or other offenders shall be subject and liable to the same laws, rules, and regulations, as if they had been ordered on their original transportation to be delivered to such colony."

Sect. 3. "It shall be lawful for the governor or the officer administering the government of either of the said colonies, with the consent of the governor or officer administering the government of the colonies, by an order in writing under his hand, to authorise any such convicts as aforesaid from the colony under his command to the other of the said colonies, and for that purpose to commit such convicts into the charge of the master of any ship or vessel proceeding directly to the colony to which such convicts were sent, and to contract with such master or other person for the removal of such convicts to such other colony, and to give bond to his majesty that he will effectually remove or cause every convict included in such contract to the colony to which he was sent, so as to remove him, and procure from the governor or officer administering the government of such colony a certificate of the removal of such convict there (death and casualties by sea excepted), and no convict shall be suffered to escape from the vessel in which he was sent, and shall be so removed, by the wilful default of such contractor or person employed by him."

Sect. 4. "All and every the laws in force for the punishment of behaviour or disorderly conduct by any offender on board of any ship or vessel which he or she may be transported from Great Britain, and extend, and are hereby extended to every convict who, by any such order as aforesaid, shall be removed from either colony to the other of them."

Sect. 5. "So soon as any such convict shall be delivered to the governor or to the officer administering the government of the colony to which he or she shall be so removed, such convict shall within such colony be subject and liable to all such and the same laws, rules, and regulations as he or she had been contracted or ordered on his or her original transportation to be delivered to the governor or the officer administering the government of such colony, and shall be there dealt with and disposed of, in all respects, in such and the same manner as other convicts within the same colony; and that the property in the service of such convict shall be vested in the governor or officer administering the government of the colony to which he or she may be so removed, in the same manner, and subject to all such and the same regulations, as if he or she had been contracted or ordered on his original transportation to be delivered to such government as aforesaid."

Sect. 6. "If any person, in contravention of the express

place where the same shall be worn and determined, where custody for any time not exceeding three months, without fine, unless such person shall immediately pay down such sum, not exceeding 20*l.*, and not less than 10*l.*, as the said justice upon such person; one moiety thereof to be paid to the King, the other moiety to be paid and made applicable to the use of the place employed for the confinement of offenders under transportation, as aforesaid."

When any person shall be convicted at any session of oyer or gaol delivery, or at any quarter or other general session to be holden for any county, riding, division, city, borough, town, or within that part of Great Britain called England, or at any session to be holden for the county palatine of Chester, or the principality of Wales, of any crime punishable by death, if his Highness shall be pleased to extend mercy to any such offender upon conviction, or upon condition of imprisonment with hard labour, such intention of mercy shall be signified by one of his principal secretaries of state to the court before whom such person shall be convicted, or any subsequent court, with this intent, such court shall allow to such offender the benefit of a pardon, and make an order for the imprisonment of such offender, or without hard labour, as the case may be; and in case such intention of mercy shall be so signified to the judge or justice before whom such offender hath been or shall be convicted, or to any judge of the Court of King's Bench or Common Pleas, or to any baron of the degree of the coif, in England, such judge, justice, or baron shall allow to such offender the benefit of a conditional pardon; an order for such imprisonment of such offender, in the manner if such intention of mercy had been signified to the court before which such offender was convicted, or session in or at which such offender was convicted, such allowance and order shall be considered as an allowance and order made by the court before which such offender was convicted, and shall be recorded on the records of the same court by the proper officer, and shall be as effectual to all intents and purposes, and have the same force, as if such allowance and order had been made by the court before which such offender was convicted; and every such order shall

Manner of proceeding in case of extension of mercy to offenders convicted of capital offences.

1. Statutes regulating Transportation, &c. Offenders.

11 Geo. IV. & 1 Will. IV. c. 39.

Remission of sentence by governors abroad.

Limiting the time for granting pardons, &c. by governors, &c. of colonies.

Other statutes as to.

Offender found unduly at large before expiration of sentence.

Punishment.

Persons rescuing prisoners, how punished.

Prosecuting to conviction, reward 20l.

Form of indictment.

other place of confinement ; and whereas it is expedient that it should be given to his majesty to appoint an assistant or said superintendent, in any such part of his majesty's dominions of England ; be it therefore enacted, That it shall be lawful for his majesty, in case it shall be deemed expedient, to appoint a person to be assistant or deputy to such superintendent in any place of confinement out of England named in any of the places aforesaid, to be constantly resident at or near the place where he shall be appointed."

Stat. 30 Geo. III. c. 47, enables his majesty to authorise the sending of places beyond the seas to which convicts are transported under sentence, &c.

By stat. 2 & 3 Will. IV. c. 62, s. 2, "neither the governor nor any other person shall give any pardon or ticket of leave to any person sentenced, or who shall receive a pardon on condition of transportation, or permission to suspend or remit the labour of any person except in cases of illness, until such person, if transported, shall have served four years ; if transported for fourteen years, six years ; or if transported for life, shall have served eight years ; and that no such person shall be capable of acquiring or holding, or of bringing any action for the recovery of any property, unless he shall have duly obtained a pardon from the governor or the colony or settlement in which he or she was confined : provided that nothing herein contained shall affect his majesty's royal prerogative of mercy."

There are also other statutes regulating the imprisonment of convicts in the Penitentiary. (See 50 Geo. III. c. 63, (1773) c. 113.) The 6 Geo. IV. c. 85, regulates the treatment of offenders from St. Helena. The annual Mutiny Act and the Naval Discipline Act also contain regulations as to the transportation of miscreants.

II. Offence of Returning from Transportation.

By the 5 Geo. IV. c. 84, s. 22, "If any offender who has been sentenced or ordered to be transported, or who shall have agreed or shall agree to transport or banish himself on certain conditions, either for life or any number of years, or for a term exceeding seven years, or who has violated the provisions of this or any former act, shall be after his sentence or order to be transported or banished, or who has agreed to transport or banish himself or herself, every such person being at large, being thereof lawfully convicted, shall suffer death for the犯 of felony, without benefit of clergy ; and such offender shall be liable to the same punishment as if he or she had committed the offence that from whence he or she was ordered to be transported, and if any person shall rescue, or attempt to rescue, or assist, or attempt to rescue, any such offender from the custody of the superintendent or overseer, or of any sheriff or gaoler, or of any person conveying, removing, transporting, or re-conveying him or her, or cause to be conveyed, any disguise, instrument for effecting arms to such offender, every such offence shall be punished in the same manner as if such offender had been confined in a gaol or in the custody of the sheriff or gaoler, for the crime of which such offender may have been convicted ; and whoever shall discover and prosecute any such offender so being at large within this kingdom, shall be entitled to a reward of 20l. for every such offender so convicted."

Sect. 23. "In any indictment against any offender for

by manner relating to such offender."

The clerk of the court, or other officer having the custody of the court where such sentence or order of transportation shall have been passed or made, shall, at the request of his majesty's behalf, make out and give a certificate in

Certificate of
clerk of court, of
conviction and
sentence, suffi-
cient evidence.

by him, containing the effect and substance only (omitting part) of every indictment and conviction of such offender, and order for his or her transportation or banishment the same more than 6s. 8d.), which certificate shall be evidence of the conviction and sentence, or order for the transportation of such offender; and every such certificate, if issued by any clerk or officer of any court in Great Britain, shall be received, upon proof of the signature and official character of the same; and every such certificate, if made by the of any court out of Great Britain, shall be received in fied by the seal of the court, or by the signature of the the judges of the court, without further proof."

Will. IV. c. 67, intituled "An Act for abolishing Capital & & Will. IV.
and returning from Transportation," [13 August, 1834,] c. 67.

the 5 Geo. IV. c. 84, s. 22, persons guilty of the offence of transportation should suffer death as in cases of benefit of clergy; and that it is expedient that a lesser in that of death should be provided for the punishment convicted of any such offence; it is enacted, "That so much of 5 Geo. IV. c. 84, s. 22, as inflicts punishment of death, upon persons guilty of offence therein and hereinbefore specified shall be and be repealed; and that from and after the passing of this act, convicted of any offence above specified in the said act of the reign of his late majesty king George the Fourth, abetting, counselling or procuring the commission thereof, to be transported beyond the seas for his or her natural ally to transportation shall be imprisoned, with or without any common gaol, house of correction, prison, or penitentiary not exceeding four years."

Punishment sub-
stituted for such
offence, or for
aliding it.

**2. Offence of
returning
from Trans-
portation.**

the certificate was in the same form; and the judges, being reserved, held that both were insufficient. (*R. v. & Ry.* 469, 470; *Russ. C. & M.* 402.)

So, in a case upon a statute (56 Geo. III. c. 47, s. 8), the certificate to contain the effect and substance (or formal part) of the indictment and conviction, and ordination, it was held that an indictment which stated that I been convicted of felony, without stating the nature and a certificate which stated only that the prisoner convicted of felony, were insufficient, and the prisoner his former sentence. (*R. v. Watson, Russ. & Ry.* 468; *Misd.* 402.)

In a case before the 5 Geo. IV. c. 84, s. 23, where stated the condition upon which the royal clemency to have been general, whereas it appeared not to have but specific, viz. that the prisoner should be transported specified, the variance was held to be fatal. (*R. v. Fitz-Ry.* 512.)

Identity of prisoner.

If a convict on his trial for returning from transportation time was expired, confess the fact, and acknowledge man, the court will read such confession, but otherwise must be proved, and evidence given of his identity. 408.)

Evidence of the day of prisoner's discharge.

Where the prisoner had received a pardon on condition himself *beyond the seas* within fourteen days from the day and it was incumbent on the prosecutor to prove the precise day on which the prisoner was discharged, it was holden, that the day book of the prison, containing entries of the names of the criminals in the prison, and the times when they were discharged, the day being made from the information of the turnkeys, or from the day on the back of the warrants, was good evidence to prove the precise day of the prisoner's discharge. (*R. v. Aickle, 1 Leach,* 391, 392.) And it was held, that though, if a convict on his trial for transportation before his time was expired, should confess and acknowledge that he is the man, the court would record s yet, no such confession being made, it was necessary to give record of conviction, and give evidence of the prisoner's identity. (*P. C. c. 47, s. 21.*)

Evidence of a sign-manual.

When a convict was sentenced to transportation for a period, he received a *sign-manual* promising him a pardon, "on condition of giving a security to transport himself for that period, within fourteen days," and upon his giving such security was discharged but neglected to transport himself within the fourteen days, so that he could not be indicted for being unlawfully found within the term for which he had received sentence of transportation. On the ground that such *sign-manual*, and the record of it into the prison, were good evidence that he was transported although he had not substantially performed the condition of his promise of pardon was granted. (*R. v. Miller, 1 Haw. P. 1 Leach,* 74; *2 Bla. R.* 797; *1 Russ. C. & M.* 403.)

Ill health, &c. when an excuse for not leaving kingdom.

It was decided in *Aickle's* case (*1 Leach, 396*), that if a convict had, at the time of his discharge, a real intention to quit the country within the time, but was prevented from carrying it into effect by the distress of poverty and ill health, these impediments were to a lawful excuse.

Being at large in Great Britain after sentence of death, commuted for transportation for life.

In *R. v. Patrick Madan* (*1 Leach, 223*), it was said, that if a convict of a capital crime, whose sentence is respited during the king's pleasure, and who, on having received a pardon on condition of transportation for life, is afterwards found at large in Great Britain for a lawful cause, shall, on his being indicted for returning from transportation and acquitted, be referred back to his original sentence.

—
e)—The jurors for our lady the Queen upon their oath present, that (2.) Indictment
is wit, at the general quarter sessions of the peace, holden at for a like offence.
order of transportation in the past tense; then proceed thus:]
order still remains in full force and effect, and not in the least re-
de void. And the jurors aforesaid, upon their oath aforesaid, do
mt that the said C. D., afterwards, that is to say, after he, the said
s ordered to be transported as aforesaid, and before the expiration
of seven years for which he, the said C. D., was so ordered to be
s aforesaid, to wit, on , feloniously and unlawfully, and
lawful cause or excuse whatsoever, was at large within part of her
crown, to wit, in that part of Great Britain and Ireland called
wit, at aforesaid; against the form of the statute in such
d provided, and against the peace of our said lady the Queen, her
party.

Cravert.

[60 Geo. III. & 1 Geo. IV. c. 4.]

SE took its name from the French *de traversée*, which is no Meaning of.
de transverso in Latin, signifying on the other side; because,
ment on the one side chargeth the party, so he, on the other
in to discharge himself. (Lamb. 540.)

traversée is only applied to an issue taken upon an indictment Applies to misde-
sumner; and it should rather seem applicable to the fact of
he trial till a following sessions or assizes, than to the joining
nd therefore, perhaps, the derivation is from the meaning of
transverso, which, in barbarous Latin, is to go over, i. e. to go
sions, &c. to another, and thus it is that the officer of the
the whether he be under to the then as will traversus

50 Geo. III. & 1 : to prevent Delay in the Administration of Justice in Cases of Misdemeanour," indictments for misdemeanours, where the defendant was not actually in custody, were not formerly tried at the assizes or sessions, in which the defendant pleaded to or traversed the indictment; but the practice was to require the defendant to enter into recognizances to appear at the next assizes or sessions, then to try the traverse, giving notice to the prosecutor according to the practice of the particular court in which the indictment might happen to be. (4 Bl. Comm. 351.) But this right of traversing is narrowed by that statute.

50 Geo. III. & 1
Geo. IV. c. 4.

Persons prosecuted in K. B. for misdemeanours, appearing in court, not permitted to imparle.

Judgment may be entered for want of plea.

Court may allow further time to plead.

Persons in custody or held to bail 20 days before sessions, to plead, unless a certiorari is delivered before jury sworn.

Certiorari may be issued before Indictment found.

Sect. 1 of that act relates to imparling and pleading to indictments in the Court of Queen's Bench. After reciting that "great delays have occurred in the administration of justice, in cases of persons prosecuted for misdemeanours by indictment or information in his majesty's Courts of King's Bench at Westminster and Dublin, and by indictment at the sessions of the peace, sessions of oyer and terminer, great session, and sessions of gaol delivery, in that part of Great Britain called England, and in Ireland, respectively, by reason that the defendants, in many of the said cases, have, according to the present practice of such respective courts, an opportunity of postponing their trials to a distant period, by means of imparlements in the said several Courts of King's Bench, by time being given to try in such respective courts of session; and by remedy thereof, it enacts, "That from and after the passing of this act, where any person shall be prosecuted in his majesty's Court of King's Bench at Westminster, or in his majesty's Court of King's Bench at Dublin, respectively, for any misdemeanour, either by information or indictment there found or removed into the same respective courts, shall appear in term time in either of the said courts respectively in person, to answer to such indictment or information, such defendant, being charged therewith, shall not be permitted to imparle to a following term, but shall be required to plead or demur thereto within four days from the time of his or her appearance; and in default of his or her pleading or demurring within four days as aforesaid, judgment may be entered against the defendant for want of a plea; and in case such defendant shall appear to such indictment or information by his or her clerk or attorney in court, it shall not be lawful for such defendant to imparle to a following term, but a rule, requiring such defendant to plead may forthwith be given, and a plea or demurrer to such indictment or information enforced, or judgment by default entered thereupon, in the same manner as might have been done, before the passing of this act, in cases where the defendant had appeared to such indictment or information, by his or her clerk in court, or attorney, in a previous term."

Sect. 2. "Provided that it shall be lawful for the said respective courts or for any judge of the same respectively, upon sufficient cause shown for that purpose, to allow further time for such defendant to plead or demur to such indictment or information."

Sect. 3 relates to the pleading to indictments at the assizes or sessions. It enacts, "That from and after the passing of this act, where any person shall be prosecuted for any misdemeanour by indictment at any session of the peace, session of oyer and terminer, great session, or session of gaol delivery, within that part of Great Britain called England, or in Ireland, having been committed to custody, or held to bail, to appear to answer for such offence twenty days at the least before the session at which such indictment shall be found, he or she shall plead to such indictment, and trial shall proceed thereupon at such same session of the peace, session of oyer and terminer, great session, or session of gaol delivery, respectively, unless a writ of *certiorari* for removing such indictment into his majesty's Courts of King's Bench at Westminster or in Dublin, respectively, shall be delivered at such session before the jury shall be sworn for such trial."

Sect. 4. "Such writ of *certiorari* may be applied for and issued before such indictment has been found, in the like cases, in the same manner,

ession or the peace, session or oyer and terminer, great
or gaol delivery, respectively, unless a writ of certiorari
th indictment into his majesty's Courts of King's Bench
or in Dublin, respectively, shall be delivered at such last-
m, before the jury shall be sworn for such trial, any law
contrary notwithstanding."

Unless certiorari
delivered as herein
mentioned.

vided that nothing in this act contained shall extend, or
extend, to prevent any indictment, found by a grand jury
own corporate, from being removed, at the prayer of any
ial by a jury of the county next adjoining to the county of
n corporate, pursuant to the provisions of an act passed
hth year of his present majesty's reign, intituled 'An Act 38 Geo. III. c. 52.

Proviso for remov-
ing Indictments
found by grand
jury to an adjoin-
ing county to be
tried.

Trial of Causes, Indictments, and other Proceedings,
in the Counties of certain Cities and Towns Corporate
dom ; and upon such removal, the defendant shall plead,
ll be had according to the provisions of this act, in like
ch indictment had been originally found by a grand jury
oining county."

vided that it shall be lawful for the court, at any session Court may allow
sion of oyer and terminer, great session, or session of further time for
spectively, upon sufficient cause shown for that purpose,
time for pleading to any such indictment, or for trial of
e post, " Trial.")

Court may allow
further time for
pleading, &c.

all cases of prosecutions for misdemeanours, instituted by In prosecutions by
orney or solicitor general, in any of the courts aforesaid, attorney-general,
if required, make order that a copy of the information or &c. copy of Infor-
be delivered, after appearance, to the party prosecuted, mation, &c., deliv-
court, or attorney, upon application made for the same, ered gratis.
sense to the party so applying ; provided that such party,
ourt, or attorney, shall not have previously received a copy

vided that in case any prosecution for a misdemeanour, If prosecution no
is majesty's attorney or solicitor general in any of the brought to trial
l, shall not be brought to trial within twelve calendar within twelve
ter the plea of not guilty shall have been pleaded therein, calendar months,
a case the court in which such prosecution shall be done and court may make
order thereon.

are, on the finding of the indictment, bound to plead and like parties charged with felony. And, where an indict found at a former sessions, and the party has been after bailed, or received notice of the indictment twenty days be quent session, he is bound at such session to plead and tr of certiorari first remove the proceedings. But this, as *supra*, sect. 10, does not apply to prosecutions for th bridges or highways, which are subject to traverse, as be (*Talf. Dick. Sess.* 333.)

With this exception, the right to traverse an indictment the sessions is now confined to parties who have not been out on bail twenty days, in respect of the charge ; and t verse an indictment previously found is confined to such ceived twenty days' notice of the indictment pending ag these instances, the right remains ; and it may be proper that this right exists, although the party may have been custody on a charge arising out of the same transaction, the accusation is altered, as if he were committed for felon found for misdemeanour, for the words of the fifth section offence." This point arose in the case of *The King v. Wakefield*, at the Lancaster spring assizes, 1827. The def committed more than twenty days before the assizes for a the assizes, it was thought right to indict him jointly w misdemeanour ; and Mr. Justice Park, after much consid that he had a right to traverse. (*Talf. Dick. Sess.* 334 ; 1 *Mood. & Rob.* 503 ; *R. v. James*, 3 *C. & P.* 222.)

So also, where he is indicted for a different misdemean which he has been committed or held to bail more than is entitled to traverse. (*Reg. v. Howell*, 9 *C. & P.* 437.)

Where the defendant has neither been in custody nor not force the prosecutor on to trial at the same assizes or *v. Trenfield*, 9 *C. & P.* 284.)

A defendant arrested during the same assizes at wh been found, cannot be discharged on bail without plead ing. (*Reg. v. Wettenhall*, 2 *M. & Rob.* 291.)

The mode of traversing is, for the defendant to come bring with him two sufficient sureties, and then to deliver proper additions, to the clerk of the peace, who reads th which the defendant pleads " Not guilty." The clerk clerk of assize on the circuit, then calls upon the party in to enter into a recognizance before the court to appear, e traverse at the next assizes or sessions, as the case may b without leave on that occasion. (4 *Bla. Com.* 351 ; 1 *Sess.* 335.)

Notice of trial.

When the defendant is anxious to try the charge again serve the prosecutor with a notice of his intention to proc traverse, according to the practice of the court. (See *R. Car. & P.* 576.) In general such notice should be served and for the sessions of the peace, and *eight* days before an But the practice is different in different counties and place

But the justices at the sessions may fix as a general they think will be sufficient. (4 *Bla. Com.* 351, n. 5.)

The notice should be signed by the defendant himself attorney. (1 *Chit. C. L.*, 2nd ed. 488, a.)

Where the defendant is indicted before the justices miner, the notice should specify in substance the nature charged. (*Cro. C. C.* 21.)

The notice should be served personally on the prosecu 21.)

But this notice is not a condition precedent to the trav

Mode of tra versing.

met for the trial of the traverse : he should be prepared with ~~time~~
of the service of the above notice of trial.

If defendant is at the bar, the clerk of the peace reads the indictment to the jury, and then says, "to which indictment the defendant is not guilty. Your business, gentlemen, is to inquire whether or not guilty, and hearken to your evidence." Then the usual proclamation; and, if the prosecutor appears, the ~~it~~. (Dick. Secs. 336.)

If the prosecutor do not appear according to the notice, the defendant is called to come and give evidence (the prosecutor being (by the crier) called to come and give evidence). The chairman addresses the jury thus: "Gentlemen, A. B. is charged for making an assault upon Z. Y. (or as the offence is,) it is to prove that he is guilty, and therefore you must acquit him. Thereupon the jury, being asked (by the clerk of the peace), if the defendant is guilty or not guilty," say, "Not guilty."

(36.)

If the prosecutor could not be met with, so as to serve a notice of trial where prosecution cannot be met with.
he must be an affidavit of the endeavours to do it, and the same moved on such affidavit to respite the recognizances, and adjourned to the next session or assize.

The court, on granting such application, will make an order at the next assize, at a new notice, left at the last place of the prosecutor's office of the clerk of the peace, with certain conditions of notification, as to the said court shall seem necessary, shall

These terms imposed by the court being complied with, must make out a *venire*, enter his traverse, and be prepared of the order, and of the acts done in conformity with it, to the ensuing sessions; when, if the prosecutor again fail to appear, the jury will be sworn, and an acquittal directed. (Dick. Secs.

If defendant has traversed the indictment, and entered into a re-appearance, enter, and try, he cannot, by rendering himself to charge of his bail, procure himself to be tried at the under the commission of gaol delivery, in order to save the &c. otherwise he would be liable to pay, because the condition of his bail is not fulfilled without entering his traverse. (1 Leach.

Defendant cannot render himself to prison to obtain an earlier trial,
&c.

Forms.

(2.) Defendant's notice of intention to try traverse.

Mr. A. B.,

Take notice, that I intend to appear at the next general [or, quarter'] sessions of the peace to be holden at [or "to be holden by ad' at'] the Guildhall, in , in and for the county of M., on the day of , by o'clock in the forenoon of the same then and there try my traverse upon the indictment which you have against me for ["assaulting'] you.

*Dated, &c.
To A. B., of .*

(3.) Affidavit of service thereof.

Traverse.

The Queen on the prosecution of A. B. against

C. D.

C. D., on the prosecution of A. B. for an assault.

Middlesex. A. B., of &c., [attorney] for the defendant in this present cause maketh oath that, on the day of &c., he, this deponent, did serve the said A. B. with a true copy of the notice hereunto annexed [and, at the same time, did inform the said A. B. of the contents thereof: and this deponent believes that such notice hath not been demanded.

*Sworn at the [New Sessions House],
this day of , 18 .
By the Court.*

(4.) Record of traverse.

Forasmuch as in the record of one traverse there is at once disclosed the style of the sessions, the indictment, the process to answer, the trial, the verdict and judgment thereupon, the process of execution, the yeomen parties, and the assessment of their fines, so that it alone may serve all, it is judged requisite to insert the same, as follows:—

Style of the sessions.

Somerset. } Heretofore, to wit, at the sessions of the peace at Bridgwater, in the county aforesaid, on the Tuesday next before the feast of St. Matthew the Apostle, in the year of our Lord , before K.P., Esqs., and other their associates, justices of our lady the Queen to keep the peace in the county aforesaid, as also to hear and determine felonies, trespasses, and other misdemeanours, in the same county con-

The indictment.

the oath of twelve jurors, it is presented, that John Long, of , and T. L., of , with divers others unknown, evil disturbers of the peace of our said lady the Queen, in a warlike manner joined, and assembled, on the day of , in the night of the in the year aforesaid, with force and arms, to wit, with swords, staves, guns, and other arms, as well offensive as defensive, at , the W. Willett (called B.), unlawfully, riotously, and routously broke a and eight waggon-loads of hay, to the value of , then and there took and carried away: against the peace of our said lady the Queen, the form of the statute in that case made and provided: whereupon i manded to the sheriff that he should not omit for any liberty within his but cause them to come to answer. And afterwards, to wit, on the aforesaid next before the feast of St. Matthew the Apostle, in the year of our Lord , before the aforesaid justices, came the aforesaid J. L., T. L., in their proper persons: and, having had the hearing of the aforesaid, severally say that they are thereof not guilty, and of themselves upon the country: and Adam Martin, who for our lady the Queen this behalf prosecutes, in like manner doth the same. Therefore let thereupon a jury before the justices of our said lady the Queen, assign the peace in the county aforesaid, and also to hear and determine, at the sessions of the peace at Wells, &c., on the Tuesday next after the feast of St. Matthew the Apostle, in the year of our Lord , then next to be holden, and who are not of kin to the said J. L., R. M., and T. L., nor to any of them, to recognize upon their oath whether J. L., R. M., and T. L., are guilty of the crime charged in the indictment; because as well the said Adam Martin, who prosecutes for the Queen,

Process to answer.

Traverse.

Jury.

Treason, 301.

t Treason, 305.

vision of Treason, 306.

harging, &c., Fire Arms, &c., at the Queen, 306.

us, 307.

I. High Treason.

[, according to Lord Coke, is derived from *trahir*, to betray; Meaning of the by construction, *Treason*, is the betraying itself. (3 Inst. 4.) word treason. Indeed, not of petit treason, but of

fore, there are no accessories, but No accessories in.
soever act or consent will make a
done, the same will make him a
(t. 9, 21.)

sprision of treason are not within Power of justices
peace, yet, inasmuch as they are therein.
he realm, any justice of the peace
or the complaint of others, cause
such offence. And such justice
so apprehended, and the informa-

1. High Treason.

Bail.

Treason by the
25 Edw. III.

tion of all those who can give any material evidence against him, and put the same in writing, and also bind over such who are able to give any such evidence, to the Queen's Bench or gaol delivery, and certify his proceedings to such court. (2 Haw. c. 8, s. 34; Hale's Surr. 168; 1 Hale, 372.)

And having committed the offender (for he is by no means beholden to the justices of the peace, 3 Edw. I. c. 15; 2 Haw. c. 15, s. 44), it may be advisable for him to send an account immediately of all the particulars to the secretary of state.

By the 25 Edw. III. st. 5, c. 2, which Lord Hale calls a sacred act, and Lord Coke an excellent act, and the king who made it a blessed king, to the parliament a blessed parliament, all treasons which had been untried before were settled. Which act, by the 1 Mary, sess. 1, c. 1, is reinforced and again made the only standard of treason; and all statutes, both the said statutes of the 25 Edw. III. and 1 Mary, which made any offence high or petit treason, or misprision of treason, are abrogated; so that offence is at this day to be esteemed high treason, unless it be either declared to be such by the said statute of the 25 Edw. III., or made so by some statute since the 1 Mary.

And therefore I shall first consider such offences as are high treason within the said statute of the 25 Edw. III., and then such as are high treason by statutes subsequent to the said statute of the 1 Mary.

The words of the statute of the 25 Edw. III., as to this matter, follow:—

"Whereas divers opinions have been before this time in what case treason shall be said, and in what not [that is, what shall or shall not be treason]; the king, at the request of the lords and commons, hath made a declaration in the manner as hereafter followeth: that is to say, when man doth compass or imagine the death of our lord the king, or of his lady his queen, or of their eldest son and heir," [which words extend the case of a queen regnant, *R. v. Oxford*, 9 C. & P. 525. As to overt acts of compassing the queen's death, see *Arch. Crim. L.* by Jervis, 9 ed. 496.]

"Or if a man do violate the king's companion [that is, his wife, 3 Inst. or the king's eldest daughter unmarried, or the wife of the king's eldest son and heir;"]

"Or if a man do levy war against our lord the king in his realm." (See *v. Frost*, 9 C. & P. 129, and the decision and law in *Jervis, Arch. C. L.* 9 ed. 500.)

"Or be adherent to the king's enemies in his realm, giving to them and comfort in the realm, or elsewhere." (See *Jervis, Arch. C. L.* 9 ed. 500.)

"And thereof be probably [proveablement, proveably] attainted of a deed, by the people of their condition."

"And if a man counterfeit the king's great or priory seal, or his money, and if a man bring false money into the realm, counterfeit to the money of England, knowing the money to be false." [But this treason as to the coin is now punishable under the 1 Will. IV. c. 66, s. 2, and 1 Vict. c. 84, 1. See "*Forgery*," Vol. II.; and as to the coin is punishable under 2 Will. IV. c. 34. See "*Coin*."]

"And if a man slay the chancellor, treasurer, or the king's justices in the one bench or the other, justices in eyre, or justices of assize, and other justices assigned to hear and determine, being in their places, in their offices."

"And it is to be understood, that in the cases above rehearsed, it ought to be judged treason which extends to our lord the king, and his royal majesty."

And by the statute of the 1 Mary, sess. 1, c. 1, which Lord Hale (1 Edw. 308) calls another excellent law, "*No act, deed, or offence, being by any parliament made treason, by words, writing, ciphering, deeds, or otherwise whatsoever, shall be adjudged to be treason, but only such as be declared*

reason is a principal traitor (there being no accessories in it being principals); and yet such person doth not act but nevertheless, at this day, it seems clearly to be agreed, that by law and the statute of Edw. III., words spoken amount to ~~in~~ misdemeanour, and no treason. (4 Bla. Com. 80.)

which import a compassing of the queen's death are writings may be overt acts of this species of treason, if published; (1 Hale, 118; 1 Est. 198; 1 Hawk. c. 17, s. 31;) as, for instance, writings

as to kill the queen, (R. v. Toye, Kel. 22,) or the like. So, words of persuasion.

to advise or persuade to an act which would of itself (if it were a sufficient overt act. (Fost. 195, 200; R. v. Charnock, 12 Salt. 631.) So, words may be laid in the indictment as an overt act; as, for instance, an act seemingly innocent in itself to be an overt act of treason, by its connection with words of party at the time. (1 Hale, 115; and see R. v. Parkyns, 657; R. v. Crokagan, Cro. Car. 332; R. v. Lee, 7 St. Tr. im. Law, by Jervis, 9 ed. 497.)

er is not bound to show what was the object or meaning of Prisoner not by him; it is for the Crown to make out that they amount to charged in the indictment. (Reg. v. Frost, 9 C. & P. 129.)

Geo. III. c. 7, s. 1, "if any person or persons whatsoever, of the passing of this act, during the natural life of our sovereign lord the king (whom Almighty God preserve a long and prosperous reign), and until the end of the parliament after the demise of the Crown, shall, within the bount, compass, imagine, invent, devise, or intend death or any bodily harm tending to death or destruction, maim or imprisonment or restraint of the person of the same our sovereign, his heirs and successors;" strive or depose him or them from the style, honour, or kingly imperial crown of this realm, or of any other of his majesty's countries;"

~~... war against his majesty his heirs and successors within~~

Treasons within the statute.
36 Geo. III. c. 7

1. High Treason.

person and persons, so as aforesaid offending, shall be de
and adjudged to be a traitor and traitors, and shall suffer
and also lose and forfeit as in cases of high treason."

Inducing soldiers to desert.

Prosecution to be in three years.

Trial to be the next term.

Not triable at the sessions.

Copy of indictment.

Lists of jurors and witnesses.

Witnesses for defence.

Two witnesses.

By the 57 Geo. III. c. 7, s. 1, the provisions of th
which relate to the heirs and successors of his majesty, t
these realms, are made perpetual.

As to the offence of inducing soldiers to desert, see "Vol. III.

By the 7 Will. III. c. 3, no person shall be prosecuted but within three years after the offence committed; exce
designing to assassinate the king's person.

And by the 31 Car. II. c. 2, persons committed for hi
be indicted the next term, or next assize; otherwise the
bail, unless it appear to the court, upon oath, that the
king could not be produced in that time; and, in such ca
indicted the second term or assize, or else discharged.

By 5 & 6 Vict. c. 38, s. 1, no treason, misprision of tr
against the queen's title, prerogative, person, or govern
either house of parliament, is triable at any quarter sessi

By the 7 Will. III. c. 3, s. 1, persons indicted for high
corruption of blood shall be made, or for misprision
(except for counterfeiting the coin, the great seal, privy s
or sign manual), shall have a copy of the indictment (bu
of the witnesses) delivered to them five days before the t

Sect. 7. And they shall have copies of the panel of the
to them two days before trial.

And moreover, the 7 Anne, c. 21, s. 11, enacts, that a
the person pretending to be king of England by the na
Third, when a person is indicted for high treason or misp
both a copy of the indictment and lists of the jurors,
witnesses, shall be delivered to the party indicted, ten day

But this right to have a copy of the indictment, with
nesses and jurors, is, by the 39 & 40 Geo. III. c. 93, and
s. 1, taken away in cases of high treason in compassing
death or destruction, or any bodily harm tending to the
tion, maiming or wounding, of the queen, and of mis
treason, where the overt acts alleged in the indictme
attempt to injure her person, in which cases the prisoner
same manner, and upon the like evidence, as if charged

A bill of indictment for treason was found on the 11th of
the 12th, copies of the indictment and of the jury pane
to the prisoner, and on the 17th a copy of the list o
delivered to him. The prisoner was arraigned on the 31
and pleaded: and upon the first witness being called f
was objected that the list of witnesses had not been deli
to the statute. Upon a case reserved, it was holden by
six, that the delivery of the list was not a good delivery
but it was also holden, by a like majority, that the objec
after plea pleaded. And it was agreed by all the judges
jection had been taken in due time, the only effect of it wo
postponement of the trial, to give time for a proper del
(*Reg. v. Frost, 2 Mood. C. C. 140; 9 C. & P. 129.*)

The 7 Will. III. c. 3, s. 1, allows them to make their
nesses on oath, and they shall have process of court
witnesses to appear.

And, by sect. 2, they shall not be attainted but on
witnesses, either both of them to the same overt act, or
one and the other of them to another overt act of th

FORM OF SENTENCE & PUNISHMENT, SINCE ACCORDING, 17 MARCH 1660.
A treason, as the law now stands, the sentence or judgment
law to be pronounced or awarded against persons convicted
guilty of the said crime, in such cases, is, that they should
be hurried to the place of execution, and there be hanged by
the neck until they are dead, but that they should be taken down
when they are yet alive their bowels shall be taken out
before their faces, and that afterwards their heads should be
cut off their bodies, and their bodies be divided into four quarters,
and quarters to be at the king's disposal: and whereas it
is in the said cases of high treason to alter the sentence or
as required by law:" it is enacted, "That in all cases of high
treason, as the law now stands, the sentence or judgment or-
is as aforesaid, the sentence or judgment to be pronounced
from and after the passing of this act, against any person
adjudged guilty, shall be, that such person shall be drawn
to the place of execution, and be there hanged by the neck
till he be dead; and that afterwards the head shall be severed
from the body of such person, and the body, divided into four quarters,
and quarters to be at his majesty and his successors shall think fit."

In case his majesty or his successors shall so think fit, his His majesty may
successors, after such sentence or judgment shall be pro- alter sentence.

awarded, may by warrant under his or their sign manual,
or by one of his majesty's principal secretaries of state, declare
their will and pleasure, and may direct and order that such
sentence shall not be drawn, but shall be taken in such manner
as a warrant shall be expressed, to the place of execution, and
shall not be there hanged by the neck, but that instead
head shall be there severed from the body of such person
and in such warrant may direct and order how and in what
manner, body, head, and quarters of such person shall be disposed of;

it is lawful for the sheriff or other person or persons to whom
such warrant shall be addressed, and whom it shall concern, to carry the
sentence accordingly."

At judgment of a woman for high treason was to be drawn Ancient punish-
ment of women.

Form of sentence
in case of high
treason.

2. *Petit Treason.*

Forfeiture.

Accessory.

Petit treason to be treated in all respects as murder.

to the place of execution, and there hanged by the neck t
(2 *Haw.* c. 49, s. 5.)

The consequence of attainder is, forfeiture of lands (to fee), and of goods; loss of dower; and corruption of blood. 46, s. 1. See "Attainder," Vol. I.; "Forfeiture," Vol. II.

Although there can be no accessaries in high treason, there may be accessaries, both before and after. (

By the 9 Geo. IV. c. 31, s. 2, "every offence, which by the commencement of this act would have amounted to petit treason, is deemed to be murder only, and no greater offence; all persons guilty in respect thereof, whether as principals or as accessories, shall be dealt with, indicted, tried, and punished as principals and as accessories to murder." (See "Homicide," Vol. III.)

III. Misprision of Treason.

Misprision, what.

Misprision cometh of the French word *mepris*, which meaneth neglect or contempt; and misprision of treason, in legal language, signifieth, when one knowing of any treason, though a consenter to it, yet conceals it, and doth not reveal it in court. (3 *Inst.* 36; 1 *Hale*, 371.)

Judgment.

The judgment of misprision of treason is, to be imprisoned for life, to forfeit all his goods for ever, and the profits of his lands and tenements. (3 *Inst.* 36.)

Caution.

Every man, therefore, that knoweth a treason, ought to reveal it to the king, his privy council, or other magistrate without fail. (127.)

Misprision of petit treason.

But it seemeth that misprision of petit treason is not a capital offence, but only a judgment of misprision of high treason, but only is punishable by imprisonment, as in the case of misprision of felony.

In *East's P. C.*, Vol. I., from p. 37 to 140, will be found a very satisfactory treatise on this crime.

IV. Discharging or Aiming, &c., Fire-Arms, &c., &c.

Discharging or aiming fire-arms, or throwing or using any offensive matter or weapon, with intent to injure or alarm her majesty.

Punishment.

By 5 & 6 Vict. c. 51, s. 2, it is enacted, "That from the passing of this act, if any person shall wilfully discharge any gun, pistol, or any other description of fire-arms or whatsoever, whether the same shall or shall not contain a destructive material, or shall discharge or cause to be discharged, any explosive or material near to the person of the queen, or if any person shall strike or strike at, or attempt to strike or to strike at, the queen, with any offensive weapon or in any other manner; or if any person shall wilfully throw or attempt to throw any matter, or thing whatsoever at or upon the person of the queen, with intent in any of the cases aforesaid to injure the person of the queen, or if any person shall wilfully break, damage, or otherwise injure any gun, pistol, or other description of fire-arms, or other arms whatsoever, or any destructive, or dangerous matter or thing whatsoever, with intent in any of the cases aforesaid to break the public peace, or endanger the public peace may be endangered, or with intent in any of the cases aforesaid to alarm her majesty; or if any person shall, near to the person of the queen, wilfully produce or have any gun, pistol, or other description of fire-arms, or other arms whatsoever, or any destructive, or dangerous matter or thing whatsoever, with intent in any of the cases aforesaid to injure the person of the queen, or to alarm her majesty; such person so offending shall be guilty of a high misdemeanour, and being convicted thereof in due course of law, shall be liable to the punishment of the court before which the said person shall be tried."

*o the jurors aforesaid unknown, did compass, imagine, devise, and
e our said lady the Queen from the royal state, title, power, and
his realm, and from the style, honour, and kingly name of the
thereof, and to bring and put our said lady the Queen to death;
reasonable compassing, imagination, device, and intention, then
roustly and traitorously did express, utter, declare, and evince, by
ts and deeds hereinafter mentioned (that is to say), in order to
nd bring to effect his most evil and wicked treason, and treason-
, imagination, device, and intention aforesaid, he, the said C. D.,
itor as aforesaid, afterwards, to wit, on the said , and on
ys, as well before as after, with force and arms, at the parish
he county aforesaid, maliciously and traitorously did conspire,
, and agree with one A. B., E. F., and divers other false traitors,
orsaid unknown, to raise, levy, and make insurrection, rebellion,
this kingdom, against our said lady the Queen, and, further to
nd bring to effect, his most evil and wicked treason, and treason-
, imagination, device, and intention aforesaid, he, the said C. D.,
itor as aforesaid, afterwards, to wit, &c. &c. [stating other
conclude thus:] in contempt of our said lady the Queen and her
example of all others in the like case offending, contrary to the
glance of him, the said C. D., against the form of the statute in
and provided, and against the peace of our said lady the Queen,
dignity. (See a variety of forms, 2 Chit. C. L. and Jervis's
Law, 9th ed. 495.)*

Treasure Found.

Treasure trove,
what.

TREASURE trove, or treasure found, is where any money, silver, plate, or bullion, is found hidden in the earth, or place, the owner thereof being unknown; in which case, belongs to the queen, (or to some other by the queen's grant) : but if he that hid it be known, or afterwards found out, and not the queen is entitled to it. (1 *Bla. Com.* 295.)

Also, if it be found in the sea, or upon the earth, it doth belong to the queen, but to the finder if no owner appears. So that the hiding, not the abandoning of it, that gives the queen a property.

This difference arises from the different intentions which plies in the owner. A man that hides his treasure in a secret place doth not mean to relinquish his property, but reserves claiming it again when he sees occasion; and, if he dies, and also dies with him, the law gives it to the queen, in part revenue. But a man that scatters his treasure into the sea or public surface of the earth, is construed to have absolute放弃 his property, and returned it into the common stock, without intention of reclaiming it; and therefore it belongs, as in a state of the first occupant or finder, unless the owner appear and as which then proves that the loss was by accident, and not with intent to renounce his property. (1 *Bla. Com.* 295.)

Taking treasure
trove, not felony.

Larceny cannot be committed of such things whereof no determinate property, though the things themselves are capable of property, as of treasure trove, or wreck, till seized; though they in point of franchise may have a special action against him who takes them. (1 *Hale*, 510.)

But finable.

The punishment for concealment of treasure trove is by imprisonment. (3 *Inst.* 133.)

The coroner may
inquire thereof.

And it belongeth to the coroner to inquire thereof. (*Id.*) Concerning which it is enacted by the 4 Edw. I. st. 2, that being certified by the king's bailiffs, or other honest men of the neighborhood, to go to the places where treasure is said to be found. And it is enacted in the same statute, that the coroner ought to inquire of the persons whereof the treasure is found, who are the finders, and likewise who is suspected to be the thief. It may be well perceived, where one liveth riotously, haunting taverns, and doing damage for a long time; hereupon he may be attached for this sum, or six, or more pledges, if they may be found. (See further Vol. II.)

Also the sheriff
in his torn.

Also, it seems to be agreed, that all seizures of treasure trove, or treasure found, may be inquired of in the sheriff's torn. It is questionable, whether a prescription in a court leet, to inquire of the lord of it, for seizure belonging to the lord of it, being a subject, be good. It is against the general rule of the law for the leet to take cognizance of trespasses done to the private damage of the lord, because it would make him his own judge. (2 *Haw. c.* 10, s. 57.)

Treasurer. See "County Treasurer," Vol.

Trees, Injuries to, see "Malicious Injuries to Property," Vol. V.;—Stealing of, see "Larceny," Vol. III.;—Burning, Vol. I.

the sessions ensuing. Upon this motion, the court will in which such second notice will be declared to be valid. V tained, the defendant should serve a copy of the order another notice, at the place of residence which it mentions ; take out a venire, enter his traverse, and be prepared wit davit, stating the order, the notice, and the service, to produc sessions ; when, if the prosecutor still neglects to appear direct the defendant to be acquitted. (Cro. C. C. 21 ; 1 C

Besides the respiting of the recognizance, which is in th after the attempt to serve the first notice, the same indi quently be granted, on motion, upon indictments for nuisan highways to continue in bad repair, in order to give th opportunity of removing the causes for which they are i obtain the certificate of magistrates that they have done the defendants will, in general, merely be subject to a non Sess. 140.) The reason for this practice is, that such p carried on rather for the suppression of public grievanc punishment and example of offenders ; and all the ends o ficiently answered by a removal of the ground of the proc

Steps preparatory
to trial.

Steps preliminary to.]—At the assizes, the defendant i must go before the clerk of assize, and take out a copy of drawn out of record, for which he is to pay after the rat custom. At the same time, he must also sue out a venire to return a jury, which the clerk is empowered to award obtain his subpoenas for witnesses from the same officer. is procured, it must be delivered to the under-sheriff, w jury. (Cro. C. C. 9.) When all these requisites have be traverse must be duly entered with the judge's marshal ; form has been complied with, the defendant has no right trial. (1 Leach, 111 ; Cro. C. C. 9.)

The proceedings at the sessions are similar, except that of the officers differ, the clerk of the peace being substitu of assize ; and, formerly, the subpoenas of the latter run same county, if the witnesses resided beyond it, applies been made to the Crown-office ; (Cro. C. C. 21;) but this

~~must~~ be made, stating the names and places of abode of the absent witnesses, and that they are material to the prosecution or defence. (8 East, 35, 6, 33; Post, 2.) Affidavits in corroboration may be filed. (1 Kenyon's Rep.

Putting off.

Trial.

356.) It is, in general, necessary in the affidavit of the absence of witness, to state at what time his return may be expected; (1 Bla. *Abr. Trial, H.*;) but this may be, in some cases, dispensed with if he is on board a ship in her majesty's service, in which case —
making the affidavit cannot swear this, because he is ignorant of the instructions given to the commander. (1 *Barnard*, 39; *Bac. Abr. Trial, H.*) And it seems, that an affidavit, stating the witness is not expected till a particular day, is sufficient, it being an implied assertion, that he is expected at that time. (1 *Chit. Rep.* 730, n.; 2 *Chit. Rep.* 411, S.C.) In civil cases, it is not necessary to mention in the affidavit the name of the witness. (2 *Dow. & Ry.* 420; 4 *Dow. & Ry.* 832, notes.) It is said to be necessary for the oath to be positive, that the witness is a material, and not merely that the deponent believes him to be so; nothing is more easy than generally to swear to a belief of this description. (1 Bla. *Rep.* 514; *Bac. Abr. Trial, H.* But see *Peake's Rep.* 97.) In some cases, the sources of the proposed required evidence should be stated with punctuality. (4 *Dow. & Ry.* 830.) When there is no cause for suspicion of mere desire to delay, it will be sufficient generally to swear that the absent party is a material witness, without whose evidence the party cannot safely proceed to trial; that he has endeavoured, without effect, to serve him with a subpoena; and that there is a reasonable ground to expect his future attendance. (3 *Burr.* 1513; 8 *East*, 37; *Abr. Trial, H.*) And the affidavit should also state the notice given to the opposite party, and the service of it upon him. But if there is any cause of suspicion, the court will require the circumstances to be specifically stated, on which the application is grounded; that the party absent is a material witness; that the applicant has used all his exertions to procure his attendance; and that there is a reasonable expectation of his being able to attend at the time to which the trial is proposed to be deferred. (1 Bla. *Rep.* 436, 514; 8 *East*, 31, 37; 3 *Burr.* 1514; *Bac. Abr. Trial, H.*) It must, in general, be made by the party applying; (*Barnes*, 437; *Abr. Trial, H.*); though, in some cases, his attorney, (*Peake, N. P.* 97), or a third person, have been allowed to do it in his stead, as if he were abroad, or unable to appear. (*Barnes*, 448; *Bac. Abr. Trial, H.*)

Time of making application for.

The application should regularly be made two days at least before the intended trial; (*Barnes*, 437, 442, 444); but when the necessity of the witness was not known until afterwards, it may be applied for at any period. (*Barnes*, 452; *Peake, N. P.* 97; 1 *Esp. Rep.* 125; *Bac. Abr. Trial, H.*) When the application is delayed till the trial is called on, the motion must be made by counsel, and the prosecutor will be entitled to the costs of the day upon the delay being conceded. (1 *Esp. Rep.* 125; 1 *Chit. C. L.* 494.)

Till when put off.

When the motion is granted, it is seldom for more than the next term, or the ensuing assizes. But, upon the particular circumstances of the case, the court will make a rule for putting off the trial of an issue to a more distant time of decision. (*Bac. Abr. Trial, H.*)

When defendant in custody, bailing him.

If the application is made to the defendant he shall be remanded and detained in custody until the next assizes or sessions; but where the application is made by the prosecutor, it is in the discretion of the court either to detain the defendant in custody, or admit him to bail, or to discharge him on his own recognizances. (*R. v. Beardmore*, 7 C. & P. 497; *R. v. Parish*, *Id.* 782; *R. v. Osborn*, *Id.* 799; *Reg. v. Bridgman*, 1 C. & P. Mar. 271.) After a bill has been found, if the offence be of a serious nature, the court will not admit the prisoner to bail. (*Reg. v. Chapman*, 1 C. & P. 558; *Reg. v. Guttridge*, 9 C. & P. 228; *Reg. v. Owen*, *Id.* 53; *Reg. v. Bowen*, *Id.* 509.) In *R. v. Palmer*, (6 C. & P. 652,) the judges of the Central Criminal Court postponed until the next session the presentation of a bill for a capital offence to the grand jury, upon the ground of the illness of a witness sworn to be material, and refused to examine her deposition to ascertain whether she deposed to material facts. (*Jer. Arch.* 9 ed. 67.)

itor be not prepared to produce evidence, the defendant
l. (*Per Lord Ellenborough, in Rex v. Smith, Sittings at*
4 July, 1816.) And we have seen, that where there are
entered for trial, to be tried by special juries, they must
der they stand on the list : and the prosecutor cannot, by
first record, reverse the order of trial. (1 Stark. C. N.

As to the arraignment of the prisoner, and the pro- Arraignment and
cial until the verdict and sentence, inclusive, see " Ses- proceedings at the
" *Arraignment.*" Vol. I. trial.

Verdict, &c.

Forms.

The Queen
against
C. D.

ity Term last an indictment was preferred and found against (I.) Prosecutor's
ed defendant for certain misdemeanours, in publishing certain notice in Queen's
dictment you appeared and pleaded not guilty, in person, in of trial
t of Queen's Bench, at Westminster, and you will now take at sittings after
ill be tried upon the same indictment at the sittings of Next term.
After this present Michaelmas term, in the said court at West-
r the county of Middlesex. Dated this day of ,

Yours, &c.,
E. F.,
Attorney for the prosecution.

C. D.,
the defendant.

(2.) Notice in Queen's Bench by defendant's clerk in court, to defendant's solicitor, that prosecutor has given notice of trial for sittings after term in Middlesex.

In the Queen's Bench.

Sir,—Notice of trial is given by the prosecutor for the sitting of N to be holden after this term in and for the county of Middlesex.

I am, yours, &c.,

Crown Office,
Jan. 1844.

(3.) Notice by clerk in court of defendant, to defendant's solicitor, of the countermand of notice of trial.

In the Queen's Bench.

Sir,—The notice of trial given by the prosecutor for the sitting of I to be holden after this term, in and for the county of Middlesex, is countermanded.

I am, Sir, yours

Crown Office,
Jan. 1844.

(4.) notice by defendant of trial of traverse.

See form, ante, 300.

(5.) Affidavit of service of.

See form, ante, 300.

(6.) Notice to put off trial for absence of material witnesses.

Take notice, that a motion will be made on the day q stant, or as soon after as counsel can be heard, that the trial of this may be put off until the next summer assizes to be held in and for the York, on account of the absence of two material witnesses on behalf fendant. Dated this day of , 18 .

Yours, &c.,
E. F.,

Attorney for the above-named d

To Mr. G. H.,
Attorney for the prosecutor.

Trial.

**The Queen
against
C. D.**

Trustee. When a competent Witness, see "Evidence,"

Tumult. See "Riot," "Petition," ante, Vol. V

Turnips. Stealing of, see "Larceny," Vol. III.;—Injuri Grounds, &c., see "Malicious Injuries to Property,"

Turnpike. See "Highways, Turnpike," Vol. II

Dig. Usury, C.) But on the general principle already stated, as very clearly laid down, an indictment would lie under the *where the usurious transaction was completed.* A very eminent man A. D. 1814, advised, that in a case of clear and palpable usury might be indicted at common law. (1 Chit. C. L. 549, n.) *is offence (if so it may be called), the quarter sessions have no sessions no jurisdiction over offence.* (2 Lord Raym. 1144; *Salk.* 680; 1 *Sess. Cas.* 41; '4.)

the time for commencing an action by a common informer has information for, the Court of Queen's Bench will not grant an information; because the penalty is then vested only in the Crown, and the attorney-general can institute proceedings to obtain it. (2 Stra. 1234.)

The indictment, if sustainable, must contain all the requisites of a de- Form of indictment or usury. The venue is to be laid in the county where the interest was received. (Pearson v. M'Gowan, 3 B. & Cress. & R. 616, S. C. And see the notes and law, 2 Chit. Plead. 6th

See. III. c. 26, the taking more than 10s. per cent. for procuring money to be advanced on a life annuity is made an indictable Procuration money. *misdemeanor with fine and imprisonment; as is also the procuring* *any infant to grant a life annuity, or to promise or otherwise ratify it when he comes of age.* This act is repealed by the 53 141, but a similar provision is re-enacted by sect. 9 of that act. *actions under this last-mentioned statute, it is not necessary to* *omit sum stated in the indictment, though not laid with* (R. v. Gillham, 6 T. R. 265; 1 Esp. Rep. 285; S. C. R v. Lord Raym. 149.)

Uttering. See "Coining," Vol. I.; "Forgery," Vol. III.

Vacant Possession. See "Landlord and Tenant," Vol. III.

Vaccination.

THE statutes of 4 & 5 Vict. c. 29, and 5 & 6 Vict. c. 32, have been recently passed to encourage and extend the practice of vaccination; they will be found noticed under title "Poor," Vol. IV.

Vagrants.

[43 Geo. III. c. 61; 52 Geo. III. c. 31; 58 Geo. III. c. 92; 4 Geo. IV. c. 4 s. 7; 5 Geo. IV. c. 13, c. 83; 1 & 2 Vict. c. 38; 2 & 3 Vict. c. 47.]

5 Geo. IV. c. 83. THE act now in force, which consolidates, amends, and repeals the prior statutes relative to vagrants, is the 5 Geo. IV. c. 83: by which it is intituled "An Act for the Punishment of Idle and Disorderly Persons and Rogues and Vagabonds, in that Part of Great Britain called England;" after reciting the 3 Geo. IV. c. 40, and that the said act was to continue in force until the first day of September, 1824, and no longer; and that it is expedient to make further provision for the suppression of vagrants and for the punishment of idle and disorderly persons, rogues, and vagabonds, and incorrigible rogues, in England; it is enacted, "That all provisions heretofore made relative to idle and disorderly persons, rogues and vagabonds, incorrigible rogues, or other vagrants, in England, shall be and the same are hereby repealed, except only as to any offence committed before the passing of this act, which shall be punished under the provisions of the said recited act, and save and except as hereinbefore excepted."

Former provisions repealed, except as to offences already committed.

Repeal of 32 Geo. III. c. 45, s. 4. Sect. 2. "And whereas by an act passed in the thirty-second year of the reign of his late majesty king George the Third, intituled 'An Act to explain and amend an Act made in the Seventeenth Year of the Reign of his late Majesty King George the Second, intituled "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other Idle and Disorderly Persons, and to Houses of Correction,'" his majesty's judges of assizes and the justices at the general or quarter sessions, or any justice of the peace, are empowered to order any convict upon his discharge from prison to be conveyed by pass in manner therein directed; and the judge, justices, or justice aforesaid, are also empowered to convey by pass any person who shall be acquitted at the assizes or general or quarter sessions, or discharged by proclamation or otherwise, who shall apply to be conveyed as aforesaid; and whereas doubts have arisen whether such parts of such act as give such power to order such person to be conveyed by pass were by the provisions of the said recited act of the third year of the reign of his present majesty repealed: and whereas it is expedient to remove such doubts:" be it therefore declared and enacted,

[5 Geo. IV. c. 83, s. 20.]

XII. General Saving and Exemptions from the Vagrant Law,
p. 327.

[43 Geo. III. c. 61; 58 Geo. III. c. 92; 5 Geo. IV. c. 13, 21.]

XIII. Forms, p. 327.

(a) By the 11 Geo. IV. c. 5, the 5 being chargeable to parishes in England, 10. 11 Geo. IV. c. 83, so far as relates to the is repealed; and see the provisions of removal of poor persons born in the the act of 11 Geo. IV., *ante*, "Poor," islands of Jersey and Guernsey, and Vol. IV.

**1. Idle and
Disorderly
Persons.**

Persons committing certain offences to be deemed idle and disorderly persons.

How punished.

Summons.

Form of commitment.

I. Idle and Disorderly Persons.

The 5 Geo. IV. c. 83, s. 3, enacts,—1. “That every person wholly or in part to maintain himself or herself, or his or her work or by other means, and wilfully refusing or neglecting by which refusal or neglect he or she, or any of his or her children, he or she may be legally bound to maintain, shall have become to any parish, township, or place;” [A man is not liable to this act, for neglecting and refusing to maintain his wife if he has committed adultery since her departure. (*R. v. Flinton*, 1 *B. & Ald.* per *Bayley*, J.—“This is a very clear case. By the 5 (s. 3, a man is criminally answerable for refusing to maintain his family, whom he is legally bound to maintain. That obligation is made out; and it is not established in the case of a wife who has husband and lives in adultery.”)]

2. “Every person returning to and becoming chargeable to a township, or place, from whence he or she shall have been moved by order of two justices of the peace, unless he or she produce a certificate of the churchwardens and overseers of the other parish, township, or place, thereby acknowledging himself settled in such other parish, township, or place;” [Whether a person rented and resided on a tenement of 10*l.* a-year value, having moved to another parish returned to the same tenement, that the order of removal, though unappealed from, did not contract, and that he could not be considered as returning from vagrancy. (*R. v. Fillongly*, 2 *Term Rep.* 709.) A person on his return, it seems, cannot be considered in a statute (*Mann v. Davers*, 3 *B. & Ald.* 103. See further, title “Poverty”). The commitment must state to what place the pauper returned. (*Cole*, 2 *Nol. P. L.* 255, 258.)]

3. “Every petty chapman or pedlar wandering abroad without being duly licensed, or otherwise authorized by law.”

4. “Every common prostitute wandering in the public highways, or in any place of public resort, and behaving indecently;”

5. “And every person wandering abroad, or placing himself in any public place, street, highway, court, or passage, to beg alms, or causing, or procuring, or encouraging any child to do so;”

6. [And every person asking alms under a certificate of a person prohibited by the act; s. 16.]

“Shall be deemed an *idle and disorderly person* within the meaning of this act; and it shall be lawful for any justice of the peace to commit such offender (being thereof convicted in his own view, or by the confession of such offender, or by the oath of one or more credible witness or witnesses) to the house of correction, there to be kept to hard labour for any time not exceeding one calendar month.”

And by the 4 Geo. IV. c. 64, s. 7, all idle and disorderly persons and vagabonds, incorrigible rogues, and other vagrants, committed to houses of correction, and not to the common gaols. (“*Gaols*,” Vol. II.)

A summons must precede the commitment, or else the defendant will not appear. (See *R. v. Constable*, 7 *D. & R.* 663, *ante*, title “Summons”; “Conviction,” Vol. I.)

The commitment must be for a precise definite time, to be specified in the warrant of commitment. (*Baldwin and others v. Blundell*, 1 *Burr.* 596; *S. P. R. v. J. Hall*, 3 *Burr.* 1636.) If for less than a year, the warrant must state that they were chargeable. (*R. v. Hall*, 1636.) It must also state that the defendant had been charged.

lesertion of legitimate, and not of illegitimate children. (*Reg. Dowl. N. S.* 58.)]

any person playing or betting in any street, road, highway, or public place, at or with any table or instrument of gaming, &c., or pretended game of chance;" [See "Gaming," Vol. II. ante, (1 *Copop.* 35,) it was held, that playing bowls was not 7 Geo. II. c. 5, s. 2.]

any person having in his or her custody or possession any knife, crow, jack, bit, or other implement, with intent feloniously to any dwelling-house, warehouse, coach-house, stable, or , or being armed with any gun, pistol, hanger, cutlass, blunderbuss, or other offensive weapon, or having upon him or her any instrument to commit any felonious act;" [See *R. v. Howarth*, R. 207, *post*, 321.]

any person being found in or upon any dwelling-house, warehouse, stable, or outhouse, or in any inclosed yard, garden, or other place, with intent to commit any unlawful purpose;" [And see 4 Geo. IV. c. 64, s. 7, *ante*,

every suspected person or reputed thief, frequenting any river, navigable stream, dock, or basin, or any quay, wharf, or warehouse adjoining thereto, or any street, highway, or avenue leading to any place of public resort, or any avenue leading thereto, or highway, or place adjacent, with intent to commit felony;" and every person apprehended as an idle and disorderly person, by resisting any constable or other peace-officer so apprehended or her, and being subsequently convicted of the offence for

2. Rogues and Vagabonds.

How punished.

Exposing obscene prints, &c. in shop windows, liable, on conviction, to punishment.

Form of conviction and commitment.

which he or she shall have been so apprehended; [see also sect 15, post, 324.]

"Shall be deemed a rogue and vagabond, within the true meaning of this act: and it shall be lawful for any justice of commit such offender (being thereof convicted before him fession of such offender, or by the evidence on oath of one or witness or witnesses) to the house of correction, there to be labour for any time not exceeding three calendar months; a picklock key, crow, jack, bit, and other implement, and eve pistol, hanger, cutlass, bludgeon, or other offensive weapon such instrument as aforesaid, shall, by the conviction of become forfeited to the king's majesty."

The 1 & 2 Vict. c. 38, s. 2, after reciting, that "by the sa (5 Geo. IV. c. 83,) it is enacted, that every person wilfully ex in any street, road, highway, or public place any obscene print other indecent exhibition shall, on summary conviction the to punishment as therein provided: and whereas doubt whether the exposing to public view in the windows of sho highways, or other public places of any obscene print, pict indecent exhibition, is an offence within the meaning of th act;" enacts, "That every person who shall expose or exposed to public view in the window or other part of any building situate in any street, road, highway, or public scene print, picture, or other indecent exhibition, shall be d wilfully exposed such obscene print, picture, or other indec to public view within the intent and meaning of the said accordingly be liable to be proceeded against, and on con punished under the provisions of the said act."

The conviction and commitment as a rogue and vagab above 10th division in 5 Geo. IV. c. 83, s. 4, of the head must state that the implements, or some of them, were prisoner at the time of his apprehension. (*R. v. Brown*, *Brown* was committed upon the now repealed act, 23 Geo. having upon him many picklock keys, two crows, and othe with an intent feloniously to break and enter into a dwe Wantey. Objection was taken to the commitment, that it that he had those implements upon him when he was apprehended. *Kenyon*, C. J., said, "I yield with great reluctance to the I am afraid it is well founded;" and the prisoner was disch

So, in *Reg. v. Cavanagh*, (1 *Dowl. N. S.* 546,) a committee the prisoner "did go about and endeavour to procure charit tions under a false pretence of being able to abstain fr period of five years and six months," was held bad, as r sufficient act of vagrancy, and the prisoner was discharge corpus, to which the above form of commitment was re "Police," Vol. V.)

A conviction stating that the offender being a person to work to maintain his family, did, on, &c., refuse and neg whereby his wife, A. N., became chargeable, &c., was held. (*Nixon v. Nanney*, 10 *Law J. N. S.* 134, *M. C.*; 1 *Ad. & E*

The conviction need not state that the offender was com the magistrate, on the magistrate's own view, or by the com offender, or by the evidence on oath of a credible witness, prescribed, post, 325, does not require it. (See *id.*)

Who shall be deemed incorrigible rogues.

By 5 Geo. IV. c. 83, s. 5.—1. "Every person breaking out of any place of legal confinement before the expiration

III. Incorrigible Rogues.

f former vagrant acts. By the 22 Hen. VIII. c. 12, he
be "carried to some market-town, or other place, and
end of a cart, naked, and beaten with whips throughout
rn, or other place, till his body should be bloody by rea-
pping." By the 39 Eliz. c. 4, s. 3, he was to be "stripped
middle upwards, and only whipped till his body should



Search for and Apprehending Offenders, &c.

c. 83, s. 6, "It shall be lawful for any person whatso- Any person may
nd any person who shall be found offending against this apprehend of-
th to take and convey him or her before some justice of fenders.
dealt with in such manner as is hereinbefore directed, or
r her to any constable or other peace officer of the place
shall have been apprehended, to be so taken and conveyed
id in case any constable or other peace officer shall refuse Constables, &c.
ct to take such offender into his custody, and to take and neglecting their
her before some justice of the peace, or shall not use his duty
to apprehend and to convey before some justice of the peace
he shall find offending against this act, it shall be deemed
y in such constable or other peace officer, and he shall on
inished in such manner as is hereinafter directed."

y be arrested without warrant, under the above section, as
in a dwelling-house, &c., with intent to commit a felony,

pected persons.

Vagrants to be searched, and trunks, bundles, &c., to be inspected.

Money and effects found upon vagrants applied towards expense of apprehending and maintaining them.

Lodging houses, &c. suspected to conceal vagrants, may be searched, and suspected persons brought before a justice.

to have committed any offence against this act, to issue apprehend and bring before him or some other justice person so charged to be dealt with as is directed by this

Sect. 8. "It shall be lawful for any constable, peace person apprehending any person charged with being an disorderly person, or a rogue and vagabond, or an incorrigible any horse, mule, ass, cart, car, caravan, or other vehicle possession or use of such person, and to take and convey as such person before some justice of the peace, and for the peace by whom any person shall be adjudged to be a disorderly person, or a rogue and vagabond, or an incorrigible that such offender shall be searched, and that his or her bundles, parcels, or packages, shall be inspected in the said justice, and of him or her, and also that any cart, other vehicle which may have been found in his or her use, shall be searched in his or her presence; and it shall be the said justice to order that any money which may be found upon such offender, shall be paid and applied for and expence of apprehending, conveying to the house of containing such offender during the time for which he or she was committed; and if upon such search money sufficient aforesaid be not found, it shall be lawful for such justice to pay part, or, if necessary, the whole of such other effects to be sold, and that the produce of such sale shall be paid and applied, and also that the overplus of such money or effects after the charges of such sale, shall be returned to the said officer.

Sect. 13. "It shall be lawful for any justice of the peace to make an affidavit on oath before him made, that any person hereinbefore mentioned be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, is or is reasonably suspected to be harboured in any house kept or purporting to be kept for the receiving entertainment of travellers, by warrant under his hand and seal to cause any constable or other person or persons to enter at a house, and to apprehend and bring before him or any other justice of the peace, every such idle and disorderly person, rogue, or incorrigible rogue, as shall be found therein, to be dealt with according to law."

money as aforesaid, and the said treasurer shall be allowed
is account; and in case any such person or persons as afore-
se to enter into such recognizance, it shall be lawful for such
mit such person or persons so refusing to the common gaol,
n until he, she, or they shall enter into such recognizance,
erwise discharged by due course of law."

as to expenses of prosecutions in general, title "Costs,"

ables Neglecting Duty—Obstructing them—Their Expenses.

IV. c. 83, s. 11, "In case any constable, or other peace Officers neglect-
glect his duty in any thing required of him by this act, or
non shall disturb or hinder any constable, or other peace ing their duties,
execution of this act, or shall be aiding, abetting, or assist- &c.
id shall be thereof convicted upon the oath of one or more Obstructing
witnesses, before one or more justice or justices of the them
such offence shall be committed, every such offender
r such offence, forfeit any sum not exceeding 5*l.*; and in Penalty.
der shall not forthwith pay such sum so forfeited, the same
by distress and sale of the offender's goods, by warrant
ice or justices; and if sufficient distress cannot be found, Distress.
let to and for one or more such justice or justices to com- Commitment.

**6. Constables,
Neglecting
Duty, &c.**

5 Geo. IV. c. 83.

On conviction of officers, &c. justices to make order for payment of expenses of prosecution as under.

mit the person so offending to the house of correction, there to be kept for any time not exceeding three calendar months, or until such fine be paid; and the said justice or justices shall cause the said fine, which is to be forthwith delivered to the treasurer of the county, riding, division, or place where such offence shall have been committed, to be by him to be used as part of the stock of the said county, riding, division, or place."

Sect. 12. "In case any constable, or other peace officer, shall be convicted before any one or more justice or justices of the peace, neglect of any duty required of him by this act, or of any disobeying any lawful warrant or order of any justice or justices of the peace under the provisions of this act, and in case any two or more justices of the peace shall impose any fine, or direct any penalty to be paid by such officer, under and by virtue of the powers given to justices of the peace by an act passed in the thirty-third year of the reign of his late majesty George the Third, intituled 'An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace Officers, for Neglect of Duty, and on Masters of Apprentices for Neglect of such their Apprentices, and also to make Provision for the Recovery of Warrants of Distress granted by Magistrates,' or under any powers enabling such justices in that behalf, then and in every such case it shall be lawful for such justice or justices, upon conviction of such offender, to reimburse and allow to the person or persons on whose complaint or information such offender shall have been convicted, necessary costs and expenses which such person or persons may theretofore incurred, or by any appeal made in consequence thereof, by virtue of an order under his or their hands and seals, upon the treasurer of the county, riding, division, or place, to pay to such person or persons the amount of such costs and expenses, on producing the said certificate giving a receipt for the same, and the same shall be allowed to the treasurer in his account."

See further as to the general duties of constables, title "Constables," Vol. I.

VII. Certificates to ask Alms.

Visiting justices of gaols, &c. may grant certificates to persons discharged to receive alms in their route.

Such persons loitering, &c., deemed rogues.

No certificates except to those entitled under 43 Geo. III. c. 61.

Other persons asking alms deemed idle, &c.

By 5 Geo. IV. c. 83, s. 15, "Nothing therein contained shall be construed to extend, so as to restrain, hinder, or prevent any justice of any county gaol, house of correction, or other prison, from granting a certificate or other instrument for enabling any person discharged from a county gaol, house of correction, or other prison, to receive alms or relief, in or upon his or her route to his or her settlement; provided that such certificate be made and drawn in accordance with the directions and provisions of any act or acts of parliament for the better regulation and management of gaols, houses of correction, and other prisons; and if any person to whom any such certificate or instrument shall be delivered shall act in any manner contrary to the directions and provisions of such certificate or instrument, or shall loiter upon his route, or shall deviate therefrom, every such person shall be deemed to be, a rogue and vagabond within the provisions and intent of this act, and shall be punished accordingly."

Sect. 16. "No justice of the peace, mayor, or other magistrate, shall grant to any person, other than a person entitled thereto, under virtue of an act passed in the forty-third year of the reign of his majesty king George the Third, intituled, 'An Act for the Relief of Soldiers, Sailors, and Marines, and of the Wives of Soldiers in the Service mentioned, so far as relates to England,' any certificate or instrument enabling such person to ask alms or relief in their any place, or for any other purpose whatever; and every person asking alms or relief under and by virtue of any certificate or other instrument,

justices of the peace acting under the powers and provisions and observations as to the form of conviction, *ante*, Decisions as to.

of the title of the act, if not of a substantial kind, will not conviction. (*Nixon v. Nanney*, 10 Law. J., N. S. 134, *Id. & Ell.*, N. S. 747, S. C.)

IX. Appeal.

V. c. 83, s. 14, "Any person aggrieved by any act or determination of justice or justices of the peace out of sessions, in or execution of this act, may appeal to the next general or sessions for the county, riding, division, or place in and for which justices shall have so acted, giving to the justice or justices whose act or determination shall be appealed against, notice of such appeal, and of the ground thereof, within seven days or determination, and before the next general or quarter entering within such seven days into a recognizance, with Recognizance, before a justice of the peace for the county or place in whom shall have been convicted, personally to appear and a appeal; and upon such notice being given, and such ressing entered into, such justice is hereby empowered to h person out of custody; and the court at such general or sessions may determine the matter of such appeal, and ermine. shall hear and determine the matter of such appeal, and such order therein as shall to the said court seem meet, and

9. Appeal.

1 & 2 Vict. c. 38.

Persons convicted, being discharged out of custody on having appealed against conviction, and not appearing to prosecute such appeal, may be re-committed.

in case of the dismissal of the appeal, or the affirmance of it shall issue the necessary process for the apprehension and the offender, according to the conviction."

By the 1 & 2 Vict. c. 38, entitled "An Act to amend an Act of 1735 for the Punishment of idle and disorderly Persons and Rogues and Vagabonds," "Whereas it is expedient to alter and amend an act passed in the year of the reign of his late majesty king George the First, 'An Act for the Punishment of idle and disorderly Persons and Vagabonds in that Part of Great Britain called England,' enacted, "That when any person aggrieved by any act or omission of any justice or justices of the peace out of sessions, in the execution of the said act, shall have appealed again the determination according to the provisions of the said act, thereupon have been discharged out of custody, and subsequently not personally appear and prosecute such appeal at the general sessions according to the recognizance entered into on the same, shall be lawful for the justices assembled at such general sessions, or for any justice of the peace for the county or for such person shall have been convicted, on proof of the fact and on proof by certificate under the hand of the clerk of the said county or place, or of the person acting as his attorney, that the person so convicted did not personally appear to prosecute such appeal, to issue a warrant for the apprehension and committal of such person for such period of time as, together with the days during which he was so convicted shall have been imprisoned (if any) previously charged by reason of appeal, shall complete the full term of imprisonment for which such person was adjudged to be imprisoned at the time of his conviction."

Decisions as to.

As to appeals in general, see "Appeal," Vol. I.

A notice of appeal against a conviction under the 5 Geo. IV. c. 83, s. 18, "In all cases where a party sues another of a party as a rogue and vagabond, for obscenely exposing himself in a place of public resort, with intent to insult a female, the ground of such appeal that the appellant was not guilty of the offence is sufficient. (*R. v. Justices of Newcastle upon Tyne*, 1 Eng. Rep. 18.)

Under the 14th section, a subsequent court of quarter sessions has power to give effect to a judgment pronounced at a previous session of the same court, by issuing process of execution upon a conviction pronounced at such previous sessions. And a *mandamus* to the court of quarter sessions will go, commanding them to issue such process of execution if there has been no delay in making the application, or the application satisfactorily accounted for. (*R. v. Justices of Warwickshire*, 1 Eng. Rep. 18.)



X. Limitations, &c. of Actions—Treble Costs

Justices, &c. to have treble costs, if judgment be in their favour.

Limitation of actions.

General issue.

By 5 Geo. IV. c. 83, s. 18, "In all cases where an action is brought against any justice of the peace, constable, or other person for the execution of his duty or office under this act, such justice or other person, if he shall have judgment in his favour, shall be awarded to him by the court, unless the judge shall be satisfied that there was a reasonable cause for such action." [But by 1 & 2 Vict. c. 97, s. 1 & 2, the defendant shall in such cases have reasonable costs.]

Sect. 19. "Every such action shall be commenced within six months after the cause of action or complaint shall have accrued; and if any person or persons shall be sued for anything which he, she or they shall have done in the execution of his, her or their office, he, she or they may plead the general issue, and give the cause in evidence."

classes of this nature in general, see "Justices," Vol. III.; "Con- 11. Removal of
Vol. I.

Convict to.
Settlement.

5 Geo. IV. c. 83.

Removal of a Convicted Vagrant, &c. to his Settlement.

Geo. IV. c. 83, s. 20, "Every person who under the provisions act shall have been convicted as an idle and disorderly person, rogue and vagabond, shall be deemed to be actually chargeable to the township, or place in which such person shall reside; and such shall be liable to be removed to the parish of his or her last legal abode, by the order of two justices of the peace of the division or which such person shall reside."

Persons convicted
chargeable to
parish in which
they reside.

II. General Sabing and Exemptions—Soldiers, &c.

Geo. IV. c. 83, s. 21, "Wherever, by any act or acts of parliament or it is directed that any person shall be punished as an idle and disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, since specified in such act or acts, and not hereinbefore provided in act, in every such case, whether such person shall or shall not committed any offence against this act, every such person shall be under the provisions, powers, and directions of this act."

Offenders under
former acts to be
punished under
this act.

43 Geo. III. c. 61, soldiers, sailors, mariners, and the wives of Soldiers, &c. herein mentioned, are relieved against the penalties of the vagrant & its provisions, and those of the Annual Mutiny Act, "Military (1. V.)

XIII. Forms.

Be it remembered, that, on &c., at &c., A. B., of [here], in the said county, [constable], cometh before me, J. P., one of her majesty's justices of the peace for the said county, and on his oath informeth me, that C. D., day of [here] , at the parish of [here], in the county aforesaid [here] et of vagrancy within the meaning of the 5 Geo. IV. c. 83, ss. 3, 4, 5, 319, 320, as thus :] being then and there able wholly to maintain him- is family by work and by other means, did wilfully refuse and neglect by which refusal and neglect the wife of the said C. D. and his [two] id then and there become chargeable, and are now chargeable to the [here] , in the said county [or as the case may be]; contrary to the & statute in that case made and provided.

A. B.

and sworn before me, this day }
, 184 .

To the constable of the parish of [here], and to all constables and others her majesty's officers of the peace for the said county of [here], and others whom this may concern.

(2.) Warrant to apprehend thereon.

such as A. B., of &c., hath this day made complaint and information before me, J. P., Esq., one of her majesty's justices of the peace in the said county, that C. D., of the same parish, [labourer], being a le to work, and thereby, &c. [here state the offence as it is stated in nation]; these are therefore to command you, in her said majesty's thwith to apprehend and bring before me the body of the said C. D., to to the said complaint, and to be further dealt withal according to law. if you not. Given under my hand and seal, this day of [here] of our Lord one thousand eight hundred and [here].

13. Forms.

(3.) Examination
of a vagrant on
5 Geo. IV. c. 83,
s. 4.

Conviction
thereon.

The examination of C. D., a rogue and vagabond, taken [or will] before me, one of her majesty's justices of the peace in and for the said county, the day of , in the year of our Lord thousand eight hundred and .

Who on his oath saith, that he was born at [and so trace out the history of his life so far forth as to ascertain his last legal place of settlement].

[The 17th section of the act gives the form of a conviction, ante, 32.]

(4.) Commitment
of an idle and dis-
orderly person.

To the constable of , in the said county, and to the keeper of the house of correction at , in the said county, and otherwhere this may concern.

Whereas C. D. was this day duly convicted before me, one of the justices of our lady the Queen, assigned to keep the peace of our said lady the Queen in and for the said county of , and also to hear and determine divers felonies, trespasses, and other misdemeanours, in the said county committed, being an idle and disorderly person, for that he, on the day of , in the year of our Lord , at , in the parish of , in the said county, did [stating act of vagrancy], contrary to the form of the statute in such case made and provided; and was by me adjudged to be committed for the said offence to the house of correction, there to be kept to hard labour for [not exceeding one calendar month], according to the form of the said statute. These are therefore to command you, the said constable, to convey the same C. D. to the said house of correction, and him to deliver to the keeper thereof, together with this warrant. And I do hereby command you, the said keeper, to receive the said C. D. into your custody, in the said house of correction, and him there safely keep to hard labour for . And for so doing this shall be your sufficient warrant. Given under my hand and seal, at &c., this day of ,

(5.) Commitment
of a rogue and
vagabond.

To the constable of , in the said county, and to the keeper of the house of correction at , in the said county.

Whereas C. D. was this day duly convicted before me, J. P., Esq., one of the justices of our lady the Queen, assigned to keep the peace of our said lady the Queen in and for the said county of , as a rogue and vagabond [or "being an idle and disorderly person"], for that he, the said C. D., on the day of , in the year of our Lord one thousand eight hundred and at , in the parish of , in the said county, did [state the act of vagrancy of which the offender is convicted], contrary to the form of the statute in such case made and provided; and was by me adjudged to be committed for the said offence to the house of correction, there to be kept to hard labour for a space of (a). These are therefore to command you, the said constable, to convey the said C. D. to the said house of correction, and him to deliver to the keeper thereof, together with this warrant. And I do hereby command you, the said keeper, to receive the said C. D. into your custody in the said house of correction, and him there safely keep to hard labour for the space of . And for so doing this shall be your sufficient warrant. Given under my hand and seal, at &c., this day of &c.

(6.) Commitment
of an incorrigible
rogue.

Same as the forms, ante, (Nos. 4, 5), mutatis mutandis, stating the commitment to be until the next general [or "quarter"] sessions of the peace, to be holden at , in and for the county of , to be then and there further dealt with according to law. And have you him then there, together with the precept. And for so doing, &c.

(7.) Recognition
to prosecute a va-
grant at the ses-
sions.

Be it remembered, that on the day of , in the year of the reign of &c., C. D., of , in the said county of personally came before me, J. P., Esq., one of the justices of our said lady the Queen,

(a) If an "idle and disorderly person," not exceeding one calendar month; if a "rogue and vagabond" not exceeding three calendar months

Venire. See "Process," Vol. V.

entre Inspiciendo. See "Jurors," Vol. III.

Indictments, see "Indictment," Vol. III.;—in *Con-*
see "Conviction," Vol. I.;—in a Warrant, *post,*
it," p. 355;—Proof as to, see "Indictment," Vol. III.

e "Sessions," Vol. V.; "Arraignment," Vol. I.;
s," Vol. III.;—Proof of, see "Evidence," Vol. II.

Verjuice. See "Excise," Vol. II.

Vestries.

[58 Geo. III. c. 69; 59 Geo. III. c. 85; 1 & 2 Will. IV. c. 60; 1 Vict. c. 45.]

HEREIN—

I. *Of Vestries not being Select Vestries, or Vestries held under 1 & 2 Will. IV. c. 60; and herein of the Vestry Clerk, and liability of Vestrymen, p. 330.*

II. *Of Select Vestries, p. 339.*

III. *Of Vestries under the 1 & 2 Will. IV. c. 60, p. 341.*

I. *Vestries not being Select Vestries, or Vestries held under 1 & 2 Will. IV. c. 60, and herein of the Vestry Clerk, and liability of Vestrymen.*

What a vestry meeting, and where held.

What and where held.]—A vestry, properly speaking, is the assembly of the whole parish, met together in some convenient place for the discussing of the affairs and business of the parish; and this meeting being commonly held in the vestry adjoining to or belonging to the church, it takes the name of vestry, as the place itself doth from the priestments, which are usually deposited and kept there. (Shaw's Par. c. 17.)

It may be held in the church itself, (*Wilson v. M'Math*, 3 B. & 241,) or, it would seem, anywhere within its precincts, but not out of them. (*R. v. Justices of Surrey*, 4 Jurist, 1056.) It has been held, however, that a town hall is not an improper place to take a poll, by reason of its being private property, where no person had been prevented from voting on that account. (*Baker v. Wood*, 1 Curteis, 527.)

Select vestry.

By custom a select number of persons may have this right of discussing the affairs and business of the parish, and the assembly of them for that purpose is what is termed a select vestry; and for the law relating to such a vestry, see *post*, 339. Whenever such vestry exists, the power of the common law vestry has always in practice been considered as superseded. (*Clarke v. King*, 2 Y. & J. 525.)

When held, and how convened.

When held and how convened.]—These meetings are usually assembled according as the exigencies of the parish require; and though formerly considered fit and proper, if any thing peculiar was to be done, that notice should be given of the specific purpose for which a vestry was called, it was also held not to be absolutely necessary to give notice. (*Clutton v. Cherry*, 2 Phil. Ec. Ca. 384; *Steer. P. L.* p. 251)

Three days' notice to be given of vestries.

But now, by 58 Geo. III. c. 69, s. 1, (commonly called Sir Bourne's Act,) intitutled "An Act for the Regulation of Parish Vestries," [3rd June, 1818,] reciting that "It is expedient to regulate the manner of holding parish vestries, and the right of voting therein," it is enacted, "That from and after the first day of July, 1818, no vestry meeting of the inhabitants in vestry of or for any parish shall be held until public notice shall have been given of such vestry and of the day and hour of holding the same, and the *special purpose thereof*, three days at the least before the day to be appointed for holding such vestry, by publication of such notice in the parish church or chapel on some Sunday during or immediately after divine service, and by affixing the same, fairly written or printed, on the principal door of such church or ch-

Notice, how to be given.

Stat. 1 Vict. c. 45, repeals in part this sect., and also part of sect. 7

the minister is the proper person to give notice of holding the election of churchwardens and parish officers. (*Eccles. Reg. 4 Jurist*, 1056.)

ed et al.]—Anciently, at the common law, every parishioner who may attend church-rates, or scot and lot, and no other person, had ^{at} these meetings. But this must not be misunderstood—the hath a special duty incumbent on him in this matter, payable to the bishop for his care herein; and therefore meeting he presides for the regulating and directing this equally holds whether he be rector or vicar. (*Shaw's Par. P. L.* 253.)

If the minister of the parish be present, he has a right to Chairman-meeting; (*Wilson v. M'Math*, 3 B. & Ald. 261, *et nosc.*; *Minister. Curtens*, 522; 3 Phil. Ec. Ca. 87; *R. v. D'Oyley*, 4 P. & D. 139, S. C. ;) though he is not an essential part of the *p v. Barbet*, 2 Esp. 687.) As to the power of the chairing, see *post*, 335.

III. c. 69, s. 2, in case the rector or curate shall not be ~~soe~~ assembled may elect a chairman, who shall have a

in that enactment. “In case the rector or vicar or paro- Chairman of ves-
not be present, the persons so assembled in presence of tries appointed;

1. Parish Vestries in General.

58 Geo. III. c. 69.
to have casting vote.

Minutes to be entered and signed.

Voting at, qualification for.

Non-payment of church-rates.

Manner of voting in vestries.

Inhabitants coming into a parish since the last rate may vote.

Inhabitants refusing payment of poor's rate excluded from vestries.

Provisions in relation to parishes extended to townships, &c.

Manner of giving notices of vestries and meetings in special cases.

such notice shall forthwith nominate and appoint by plural be ascertained as hereinafter is directed, one of the inhabitants of the parish to be the chairman of and preside in every such vestry. In cases of equality of votes upon any question arising therein, shall (in addition to such vote or votes as he may by virtue be entitled to give in right of his assessment) have the cast minutes of the proceedings and resolutions of every vestry and distinctly entered in a book, (to be provided for that churchwardens and overseers of the poor,) and shall be chairman, and by such other of the inhabitants present proper to sign the same."

Voting at, and Qualification for.]—Residence within the necessary qualification, as all out-dwellers occupying land have a vote in the vestry as well as the inhabitants. (*Jok P. L. 253.*)

The non-payment of church-rates does not disqualify from voting, nor can a by-law or resolution of a parish such as have not paid church-rates shall not vote" be supported by *Elger, 4 B. & C. 449; 6 D. & R. 517, S. C.*)

By the 58 Geo. III. c. 69, s. 3, "Every inhabitant paying the last rate which shall have been made for the relief of being assessed and charged upon or in respect of any annual value, not amounting to 50*l.*, shall have and be entitled to one vote and no more; and every inhabitant there present, who has not paid the last rate have been assessed or charged upon or in respect of any annual rent or rents, profit or value, amounting to 50*l.* or upwards (one or in more than one sum or charge), shall have and be entitled to one vote for every 25*l.* of annual rent, profit and value, upon each of which he shall have been assessed or charged in such proportion, nevertheless that no inhabitant shall be entitled to give more than one vote; and in cases where two or more of the inhabitants are jointly rated, each of them shall be entitled to vote according to the proportion and amount which shall be borne by him of the total sum and where one only of the persons jointly rated shall attend, he shall be entitled to vote according to and in respect of the whole charge."

Sect. 4. "When any person shall have become an inhabitant of a parish, or become liable to be rated therein, since the making of the last rate for the relief of the poor thereof, he shall be entitled to one vote in respect of the lands, tenements, and property for which he has become liable to be rated, and shall consent to be rated in the parish if he should have been actually rated for the same."

Sect. 5. "No person who shall have refused or neglected to pay the last rate for the relief of the poor, which shall be due from him, shall be entitled to vote or to be rated in any vestry of the parish for which such rate shall have been demanded of him, [and] shall be entitled to vote or to be rated in any vestry of the parish for which such rate shall have been demanded of him, until he shall have paid the same." The word "and" is omitted in this enactment by mistake; see it explained by the 59 Geo. III. c. 3, *post*, 333.

Sect. 7. Enacts, "That all provisions, authorities, and directions contained in relation to parishes, shall extend, and be extended, to all ownships, vills, and places having separate overseers and maintaining their poor separately, and that all the directions herein contained in regard to vestries shall extend also to all meetings which may by law be holden of the inhabitants of any township, vill or place, for any of the purposes in this act; that the notices by this act required to be given of every place in which there is or shall be no parish church or chapel, there shall not be divine service in such church or chapel."

give such and so many vote or votes at such vestry, in
ount of such rent, profit or value, as by the said act
f such parish present at such vestry might or ought
entitled to give in respect of such amount, and to all
poses as if such person were an inhabitant of such
g in the said recited act to the contrary in anywise not-

; in all cases where any corporation or body politic or Clerk or agent of
pany shall be charged to the rate for the relief of the corporation, &c.
ish, either in the name of such corporation or of any according to the
d corporation, it shall and may be lawful for the clerk, value of the pre-
d, or other agent duly authorized for that purpose of
. or body politic or corporate or company, to be present
be holden in the said parish under the said recited act;
secretary, steward or agent, shall be entitled to give such
e or votes at such vestry, in respect of the amount of the
alue of such lands, tenements or hereditaments, as by
inhabitant assessed to such rate present at such vestry
to have and be entitled to in respect of such amount;
ie said recited act to the contrary in anywise not-

areas by the said act, 58 Geo. III. c. 69, s. 55, *ante*, 332, Non-payment of
o be enacted, that no person should be present at or vote
o should have refused to pay any assessment that had be- rates to disqualify
id been demanded of such person, but the word 'and' from being pre-
io inserted in the said act, as to make the same in that sent or voting in
ne;" now, to rectify such mistake, be it further enacted,
vestry.

Plurality of votes denied.

such vestry, shall have been paid and satisfied."

In the parish of W., the "poor rates," according to an old custom, had always been made without respect to the value of property in the parish, but according to the supposed ability of the party concerned; so that persons so rated were not rated in respect of any annual value or value, within the meaning of sect. 3 of the above act of 1760 c. 69, and, therefore, were not entitled to more than one vote at meetings, although rated upon more than 50*l.* (*Nightingale v. W.*, 2 B. & C. 31; 3 D. & R. 549, S. C.)

When votes to be taken *per capita*.

And where, under a deed of feoffment, certain lands were given by fourteen feoffees for the maintenance of a schoolmaster to the children of all the inhabitants of a parish, and it was provided concerning the lands should be done but in vestry or in the hands of the feoffees, and ten at least of the inhabitants of the parish, were to be vestrymen, and not feoffees, in a vestry to be held by them, notice of removal of the schoolmaster was given, so that it was by the consent and agreement of the feoffees and vestrymen, or of ten of them, which should be assembled in vestry:—it was held that the execution of the power of the removal of the master the vestry should be taken *per capita*, and not according to the provisions of the above act. (*The Attorney-General v. Wilkinson*, 7 Moore, 187; S. C.)

Voters who have not paid church-rates.

Where a right of nominating a perpetual curate was given by law to the parishioners, the by-law or resolution of a parish vestry could not be binding upon those who have not paid their church-rates. (*Faulkner v. St. Peter's Church, Exeter*, 2 B. & C. 449; 6 D. & R. 517, S. C.)

What case not within proviso of s. 8. of 58 Geo. III. c. 69.

But in *Edenborough v. Archbishop of Canterbury*, (2 R. v. R. Eldon held, that where the advowson of a parish was vested in trustees for the benefit of the parishioners, the right of voting at the election by long usage be limited to parishioners who pay church-rates, and an election by such was confirmed.

A local act passed before the stat. 58 Geo. III. c. 69, for the regulation of parish vestries, created the office of guardians of the poor in every particular parish, and enacted, that vacancies should be annually filled by the rated inhabitants assembled in the vestry room, who sit in judgment on the assessments in the room of those going out. Held, after the passing of the above act 58 Geo. III. c. 69, the inhabitants must be allowed in such elections a number of votes in proportion to their respective assessments,

majority might be binding. (See *Braintree Case*, *Kesley v. ss.* 372.)

1 has in general the power to regulate the whole of the ^{The chairman's} the vestry; to decide on what they shall be, so as to power.
in a reasonable time to vote; to adjourn the poll if he
to do all necessary acts on his own responsibility, being
the propriety of his conduct to a court of justice. (R. v.

D. 58; 12 *Ad. & El.* 139, *S. C.*)

adjourn such meeting, though against the wish of the man
on his legal responsibility, if in so doing he improperly
proceeds. (*Id.*)

demanded he may, of his own authority, grant such poll. Granting a poll.

on of churchwardens at a vestry in such parish as above
poll having been demanded, the rector granted the poll,
to be held immediately on the close of the other business,
for three successive days, at a time and place in the parish
most convenient, and which he had appointed by previous
a publication of a summons by the old churchwardens) in
ould be demanded; and he refused to put a motion which
sed for a different appointment, of which a majority of the
lens had given previous notice. The other business lasting
evening, he directed the poll should commence on the
ing, at the time and place of which notice had been given,
the meeting (as was alleged) dissenting. The poll was
gly, and it was held, rightly taken. (*Id.*)

Poll.]--It is a general rule that when a thing is to be de- ^{Deciding by poll.}
majority of votes, they are to be taken by poll if required.
(*Lord, 5 Ad. & El.* 865; 1 *Nor. & P.* 558, *S. C.*; *Beechey*
M. & Wels. 67; per *Lord Denman*, in *Reg. v. St. Mary's,*
L. & *P.* 416.)

on of churchwardens in open vestry, a poll of the pa-
demanded under the Act 58 Geo. III. c. 69; it was held
legal demand, and meant a poll of such parishioners as

Queen's Bench will grant a mandamus to enter an adjourned election meeting, and to proceed to complete the election. (men, &c. of St. Luke's, 2 N. & M. 464.)

Fresh voters at a poll.

Every rated inhabitant, whether previously present at the poll, has a right to come in and vote; and the closing of the door during the poll so as to exclude voters is illegal. (Reg. v. Lambeth (Churchwardens), 3 Nev. & Per. 416.)

And where upon the poll being demanded, it was resolved that it should be confined to the persons who were present at the service which had already been made, and not be extended to those parishioners who were entitled to vote: it was held, that this was illegal, but although illegal it could only render the election void if the persons entitled to vote were prevented from voting, and that notwithstanding the election with locked doors was held a valid election. (Ellis, 4 Jurist, 409.)

By a local act, the inhabitants of each district in the parish assembled, were to nominate a certain number of persons to be justices at petty session, who were to select therefrom a number to be overseers. At a vestry meeting for the above purpose, a contest as to the persons to be nominated; and, after a short time, a poll was demanded: it was held, that the nomination was necessarily to be confined to the persons present at the meeting; but that it might be lawfully had on a future day, so that other persons whose votes might take part in the nomination. (Reg. v. Hedger, 4 P. C. 177.)

Adjournment.

Adjournment.]—The right of adjourning the meeting is not given to the minister or any other person as chairman, nor in the church, nor in the whole assembly, where all are upon an equal footing: a majority must be decided as other matters there, by a majority of the votes. (*Stoughton v. Reynolds*. 2 Stra. 1045; and see the law as to vestries fully considered in the more recent case of *Baker v. Luttrell*, 552.)

Adjournment under previous notice.

But where a vestry being about to be held in M. for the election of churchwardens, notice was given that the meeting would be held in the parish church, but that if a poll was demanded it would be held in the town hall—a poll being demanded, the chairman, without the sense of the meeting, adjourned the election to the town hall,

be parish funds, to determine the expediency of enlarging or repairing churches and chapels, or of adding to or disposing of the "trees in General ornaments" connected with those sacred edifices. The vestry, if some of the parish officers is either wholly or in part to be the vestry, and it has, either directly or indirectly, a superintendence in all the weightier matters of the parish. (Steer, P. L.)

overseers made disbursements for the parish, which, by law, are not authorized to do, and the vestry approved of such disbursements. I passed a resolution that they should be allowed in the overseers, the Court of King's Bench decided that the disbursements should be allowed, and that the vestry had no jurisdiction in the matter and could not bind the parish by their resolution. (R. v. Gwyer & C. 4 Nov. & M. 158. See R. v. Welch, 1 Bott, 318, 4th ed.)

A local statute confers a power of investigating accounts upon Accountants. They are annually elected, and to be summoned by the vestry clerk at stated intervals, to audit the accounts, the court will not grant power to compel the latter, when new auditors have been elected in the preceding year, to call a meeting of the old auditors to audit those of the past year. (R. v. St. Giles & St. George's, 1 Dowl. 162, 349, and notes.)

Vestry, as such, has no authority whatever in the distribution of Distributing pew rents. Churchwardens are not bound to follow their directions; at

times the sense and opinion of the vestry ought to have weight.

The vote of the vestry is of itself of no authority as to the right, but it marks the opinion of the parish. (Sir J. Nicoll, v. Bridger, 1 Phil. Ec. Ca. 316.)

Renting up monuments, &c., see ante, "Churchwardens," Vol. I. Monuments, &c. Successor, infra.)

Power of the vestry, as regards church rates, see "Church," Church rates.

Their powers as regards poor rates, see "Poor," Vol. IV.

Poor rates.

Vestry is called every parishioner is bound to attend; or if he does not attend, he is bound by the acts of those who do. (Clutton v. Cherry, 2 Phil. O.)

Acts of vestry binding.

It seems, therefore, both reasonable and just that whoever obstructs them in the exercise of this right should be held liable as for a personal injury. And to this effect is the case of

v. Ryland, (as reported in Stra. 624,) as follows, (though in

1388, and Ad. 235, it is said the court gave no opinion upon

"The plaintiff brought a special action on the case for exemption from the vestry room; and upon demurrer, the court made judgment for the defendant, it not being averred that the plaintiff had any property in this room, or right to meet there; so that, forsooth, it might be the defendant's own house, and then he might be pleased, and refuse the rest. And this was a fault in the action, and need not be shown for cause of demurrer." (See also Vin. Vestry.)

Vestry meeting having, by a show of hands, passed a resolution that monuments to be erected to the memory of certain persons who bequeath to the parish, and that the expense should be paid out of sums issuing from the bequests, the person who presided in the meeting refused a poll, the Court of King's Bench refused a mandamus to compel him to grant a poll, because such an application of the poll would be a breach of trust, and the court could not assume that if the poll would be to rescind the resolution; and if the result were the other way, it would be said that the poll was taken under the authority of a mandamus from the court. (R. v. St. Saviour, Southwark, 1 Ad. & Ell. 380; 3 Nev. & M. 878, S. C. And R. v. Harding, 1 B. & Ald. 503.)

Mandamus will not lie to grant a poll for an illegal act, as for erecting monuments, &c.

1. Parish Vestries in General.

Review by next vestry.

Entry of minutes of proceedings at.

Evidence of proceedings at.

Hindering persons from meeting.

Jurisdiction of Ecclesiastical Court over.

Liability for contract by voting, &c.

Review by next Vestry.]—The acts of one vestry are not binding on a succeeding vestry, and they may be confirmed or rejected by such succeeding vestry; but the confirmation of the succeeding vestry is not necessary to make the acts of the preceding one valid. (*Ward v. Barbet*, 2 *Esp.* 687.)

Minutes of Proceedings at Vestry.]—We have seen that by the Statute III. c. 69, s. 2, the minutes of the proceedings and resolutions of the vestry shall be fairly and distinctly entered in a book (to be provided for that purpose by the churchwardens and overseers of the poor), and shall be signed by the chairman and by such other of the inhabitants present as shall think proper to sign the same."

As to the evidence of proceedings at, see "*Evidence*," Vol. II.

The plaintiff brought a special action upon the case for excluding him from the vestry-room, and upon demurrer the court made no decision, but that such an action was maintainable; however, in this case the court gave judgment for the defendant, it not being averred that the plaintiff had any property in this room or right to meet there, so, that far from it appears, it might be the defendant's own house, and then he might exclude whom he pleased and refuse the rest. (*Phillybrown v. Ryland*, 1 *Bing.* 152. *And see Dobson v. Fussey*, 5 *M. & P.* 112; 7 *Bing.* 305, S. C.)

Jurisdiction of Ecclesiastical Court over Proceedings at.]—The Ecclesiastical Court has jurisdiction *ratione loci*, over the order and proceedings of vestry meetings held in a church; and therefore, where a rate was libelled in that court a parishioner for preventing him from presiding as chairman at such meeting, a prohibition was refused. (*Wilson, D. M'Math*, 3 *B. & Ald.* 241.)

Liability of Persons voting at.]—Inhabitants voting at the vestry generally incur no separate or individual responsibility for anything that may be done in pursuance of a resolution of vestry so signed by them. It has been therefore determined, that vestrymen who signed a resolution ordering the parish surveyor to take steps for defending an individual for not repairing a road, were not to be responsible for the payment of the attorney employed by the surveyor; for in signing the resolution they act merely as vestrymen, without any intention of becoming individually responsible. (*Spratt v. Powell*, 3 *Bing.* 478; 11 *Moore*, S. C. *And see Lanchester v. Frewer*, 2 *Bing.* 361; 9 *Moore*, 688; *Holmes v. Williamson*, 6 *M. & Selw.* 158; *Steer, P. L.* 257.)

So, where several parishioners joined at a vestry meeting in signing an order authorizing two churchwardens to put a new roof on the church tower, and both concurred in giving orders for that purpose, and one of them (the plaintiff) paid the artificers; and a rate for reimbursing him having been quashed, the plaintiff sued the defendant, being the other churchwarden, for a moiety of the money so paid:—It was held, that the defendant could not insist on those parishioners who had signed the vestry order, being joined with him as co-defendants in the action. (*Lanchester v. Fricker*, 8 *Moore*, 20; 1 *Bing.* 201, S. C.)

But if several parishioners in the vestry sign a resolution in the minute-book, stating that they approve of an action brought by the surveyor of the highways against A., and that they do thereby guarantee him all legal expenses that are or may be incurred by him in prosecuting that suit, this binds them personally, and will render each person equally incompetent to be a witness on the trial of that action. (*Heudeboumer v. Langton*, 3 *C. & P.* 566—*Tenterden*.) A rule for a new trial was however refused. (10 *B. & C.* 546.)

Where one of two chapelwardens ordered goods for the use of the chapel, it was held that he might be separately sued for the same. (*Shaw v. Hislop*, 4 *D. & R.* 241. *And see further, ante*, "Churchwardens," Vol. I.)

Vestry clerk, how.

Vestry Clerk.]—The vestry clerk is chosen by the vestry, and he

managers; and such a custom of the government of elect number hath been adjudged a good custom, in that dens accounting to them was adjudged a good account.

in that constant immemorial usage is the basis and only select vestry. Exists by custom only.

select vestry is appointed, the right of the common law says in practice been considered as *de facto* superseded. *i, 2 Y. & Jer. 525.*) Supersedes authority of a common law vestry.

shea these select vestries having been thought oppressive great struggles have been made to set aside and demolish *'s Par. L. c. 17.*) And no wonder that it hath been so in here by custom they have obtained the power to choose one is to be supposed that if they are guilty of evil practices se such persons as they think will connive at or concur *vn, Ec. L. 10 ; Steer's P. L. 260.*) Fallen into dis-repute.

at there shall be a select vestry of an indefinite number of Custom that the used by election of new members made by itself, and not vestry shall be of oners, is valid in law. And, *semble*, that it must be part an indefinite number.

in that there should always be a reasonable number, and ableness of that number must be decided with reference to d usage and to the population of the parish, such custom from time immemorial in a parish. (*Golding v. Fenn, 1 ; 7 B. & Cres. 765, S. C.*) In *Berry v. Banner, (Peake, Cannot be consti-ld that a select vestry could not be constituted by a faculty stuted by faculty.*

p. 1662, by a faculty granted by the bishop of London, But faculty, does
Z 2

2. Select
Vestries.

not destroy previous custom.

Select vestry
cannot elect another vestry.

Cases as to the
constitution of select vestries.

What a good election by custom.

Notice should be given of meeting on an unusual day.

Number present.

Who may be a select vestryman.

Oath by vestrymen.

forty-nine persons, together with the vicar and church named as a select vestry, and that number was to be kept to be made by ten at least of those forty-nine, together and churchwardens. In the year 1673, this number another faculty reduced to seven, and these faculties were ever afterwards. Ten out of the fourteen vestrymen who at the vestry holden next before the promulgation of th were part of the forty-nine named in that faculty:—the vestry appointed by the faculty, and since continued, sistent with the vestry previously existing by the custo was not destroyed by the parish having accepted the fac upon it ever since, the faculty not being binding in law, having power at any time to depart from its direction *Fenn, 1 M. & Ry. 647 ; 7 B. & C. 765, S. C.*)

A select vestry when it exists by custom for the man chial affairs cannot elect another select vestry for the man poor within the 59 Geo. III. c. 12. (*Rex. v. Goodman, 4 B*

By an act of parliament for paving, lighting, and watch of the parish, the rector, churchwardens, and overseers of vestrymen, were appointed trustees for putting the act in a subsequent act the trustees appointed to put the first act were appointed trustees for executing that act, and the s any thirteen or more of them, were authorized to elect four the parish:—Held, that the presence of the rector at a vesti tion of a constable was not necessary, if thirteen other tru sent. (*R. v. Brain, 3 B. & Ad. 614.*)

By ancient custom a select vestry was to consist of the wardens, and those who had served the office of upper c and other parishioners to be elected by the vestrymen. modern times had been to elect as vestrymen those parishi had been fined for not serving the office of upper churchw that they were good vestrymen, for this practice was not in the custom, for it was competent to the vestry at any time persons not of that class. (*R. v. Brain, 3 B. & Ad. 614.*)

A vestry meeting on an unusual day for any special j legally constituted unless previous notice thereof has been member of the vestry.

In justification of an assault the defendants pleaded "that assembled in a select vestry; that plaintiff, being an intrud him out of the room," one of the select vestry not having re tice of the meeting:—It was held, that the justification was as the meeting was not a legally constituted vestry, so as allegation that the select vestry was *duly assembled*, it be called on special business on an unusual day; and, by rules which prevail in summoning the members of a corp of the meeting ought to have been given to every member (*Dobson v. Fussey, 7 Bing. 305 ; 5 M. & P. 112, S. C. Martin, 2 Camp. 100 ; Thomas v. Morris, 1 Addams' Rep.*)

To constitute a valid assembly of a select vestry appoint Geo. III. c. 45 and 59 Geo. III. c. 134, (title "Poor," majority of the whole number appointed should be present *Blizard. 4 M. & Ry. 641.*)

An inhabitant may be a member of a select vestry, alth magistrate acting within the parish. (*R. v. Kent (Justice. 299 ; 2 Ad. & Ell. 409, S. C.)*)

An overseer may be a select vestryman, by virtue of an parishioners, although he be also a member of the select v of his office. (*Id.*)

A local vestry act directed that vestrymen should take they will faithfully execute the duties reposed in them appointed in pursuance of that act, and that they are

—♦—

III. Vestries under 1 & 2 Will. IV. c. 60.

1 & 2 Will. IV. c. 60, (commonly called Hobhouse's Act,) in- 1 & 2 Will. IV.
An Act for the better Regulation of Vestries, and for the Appoint- c. 60.
ment of Auditors of Accounts, in certain Parishes of England and Wales,"
[Ober, 1831], reciting, that "it is expedient to provide for the
vestries, and of auditors of parish accounts, in certain parishes
of England and Wales," it is enacted, "That this act and the several ^{Act may be}
thereof shall apply to and may be adopted, under and subject ^{adopted by any}
 regulations herein contained, by any parish or parishes in England ^{parish.}"

Object of act.
The object of the statute is to enable the inhabitants of any parish con-
taining 100 rated householders, or being within or forming part of a city
(sect. 43), to place themselves, if they shall think proper, under
the regulations contained in its provisions, as to the constitution
of the vestry, and the election of its vestrymen and auditors of accounts.

Manner of adopting it in parishes where inhabitants do not assemble in open vestry.
"That when in any parish certain of the rate payers thereof
shall petition to have the said parish come under the operation of this
act, and in that case any number of rate payers (a) amounting at least
to one-tenth of the rate payers of such parish, or any number of rate payers
(b) at least to fifty parishioners, may, on some day between the 1st
of November and the 1st day of March, deliver a requisition by them

It would seem that the requisition must come from poor-rate-payers.
rule, 2 Jurist, 687.

3. *Vestries under 1 & 2 Will. IV. c. 60.*

signed, and describing their places of residence, to the churchwardens to one of them, serving for the said parish, requiring of the churchwardens to ascertain according to the manner hereinbefore mentioned whether or not a majority of the rate payers of the said parish do then and require that this act and the provisions thereof above written therein; and which requisition may be in the form or to effect following; (that is to say,) —

Form of requisition.

"To the churchwardens of the parish of [here insert the name of the parish].

"We, whose names are hereunto subscribed, being rate-payers of the said parish, and respectively rated or assessed to the rates thereon, do hereby require you the said churchwardens to ascertain the adoption or non-adoption of an act of the 2nd year of King William the Fourth, chapter [insert the chapter number], intituled 'An Act, for the better regulation of vestries.'

"Dated this _____ day of _____, in the year of our Lord _____.

Upon receipt of requisition, churchwardens to give notice of time and place for receiving votes.

Sect. 3. "That the said churchwardens of the said parish, on the 1st Sunday in the month of March next after the receipt of this requisition, affix or cause to be affixed a notice to the principal church and chapel within the said parish, specifying some time between ten days and not later than twenty-one days after such notice, at what place or places within the said parish, the electors required to signify their votes for or against the adoption of this act, which votes shall be received on three successive days, from eight of the clock in the forenoon and ending at four of the afternoon of each day; and the said notice shall be to effect: —

Form of notice.

"The churchwardens of this parish [insert here the name of the parish] having received a requisition duly signed according to the provisions of the second year of the reign of William the Fourth, chapter [insert the chapter number] for the better regulation of vestries, the rate-payers of this parish of the name of the parish] are hereby required, all and each of them, on the day of _____ next, and the two following days, to signify to the churchwardens by a declaration, either printed or written, or partly written, addressed and delivered to one of the churchwardens [here insert the place], their votes for or against the adoption of this act, which votes shall be received on three successive days, from eight of the clock in the forenoon and ending at four of the afternoon of each day; and the said notice shall be to effect: —

(Signed) _____ Ch.

Sect. 4. "The said declaration shall be to the following effect: —

Form of declaration.

"I, A. B., of _____ Street, [or _____ 'place,' or 'house of _____], vote ['for' or 'against,' as the case may be], the adoption of the second year of the reign of William the Fourth, chapter [insert the chapter number] for the better regulation of vestries by this parish."

Churchwardens to declare whether the votes are in favour of adopting this act.

Sect. 5. "The said churchwardens shall carefully examine the declarations so delivered as aforesaid, and shall compare them with the declaration made for the relief of the poor of the said parish, and shall cause to call before them and examine any parish officer to give his votes, or any rate payer so giving his vote, and after a full examination of the said votes shall, by public notice, according to the manner hereinafter prescribed, declare whether or not the votes given have been given in favour of the adoption of this act: provided always, that the whole number of persons voting shall be a majority of the rate payers of the parish: provided also, that the adoption or non-adoption of this act shall be decided by a majority of the votes as aforesaid." (a)

Ratepayers may inspect votes.

Sect. 6. Provided always, "That any of the rate payers

(a) A parish having a particular custom as to the manner of choosing churchwardens, is not affected in this particular by the adoption of this act. (Semb. R. v. St. James, 5 Ad. & El. 391.)

) By 58 Geo. III. c. 69, s. 1, *ante*, 330, only three days' notice is required.

3. Vestries day of , conformably to the provisions of the said act, and the under 1 & 2 to consider of and elect fit and proper persons to be vestrymen and Will. IV. c. 60. accounts of the parish of , for the ensuing year; that is to say Members of the

Auditors of Acc

Rate collectors, &c., may be summoned to assist at the election.

Form of proceeding at annual elections.

A ballot may be demanded.

Mode of voting.

Sect. 13. "The churchwardens may summon the rate collectors on the said day of annual election, in order to ascertain that the persons presenting themselves to vote are rated to the relief of the poor of the said parish, and duly vote at the said election."

Sect. 14. "That on the day of annual election for vestrymen in any parish adopting this act, each parishioner then rated, been rated to the relief of the poor one year, desirous of voting at the place appointed for such election, then and there to no rate payers of the said parish as fit and proper persons to be of votes, four of such eight to be nominated by the churchwardens, the other four to be nominated by the meeting; and after such the said parishioners shall elect such parishioners duly qualified to be there proposed for the offices of vestrymen and auditors. The chairman shall at such meeting declare the names of the parishioners have been elected by a majority of votes at such meeting" (a).

Sect. 15. Provided always, "That any five rate payers in the parish, in writing or otherwise, demand a poll, which shall be taken by ballot, each rate payer delivering to the aforesaid inspectors two sets of papers, one of which papers shall contain the names of those whom such parishioner may vote as fit and proper to be members of the vestry, and the other shall contain the names of the persons whom such parishioner may vote as fit and proper to be auditors. Provided always, that each rate payer shall have one vote for the members of the vestry, and one vote and no more for the auditors, and that the auditors shall be chosen from among the accounts to be chosen in the said parish" (b).

Sect. 16. "The inspectors of votes shall deposit the said ballot boxes without previously opening the same, in two separate sets of glasses or boxes, one set for the vestry lists, and another for the auditors lists; and that the said balloting glasses or boxes shall be kept closed until the time fixed for the termination of the voting, that is, at four o'clock in the afternoon of the last day of election."

(a) On the nomination of the eight inspectors to act in the election of vestrymen, under this act, the decision of the chairman, on a show of hands, that one or the other party has a majority, is not conclusive, but he is bound, on requisition from either side, to take steps for ascertaining the numbers. (*Reg. v. St. Pancras (Vestrymen, &c.)*, 11 Ad. & E. 15; 4 P. & D. 66, n. S. C.)

Quære, whether the proper course, on such requisition, be to divide the meeting, or at once to take a poll? *Semblé*, that, under stat. 1 & 2 Will. IV. c. 60, s. 11, a division is proper. (*Ib.*)

The mere existence of party feeling in the chairman is not sufficient ground for impeaching a nomination of inspectors under the statute; but if, after improperly refusing to ascertain the numbers voting, he has declared certain persons to be the inspectors nomi-

nated by the meeting, and the election of vestrymen has taken place, the court will grant a writ for a new election, although a reasonable time has elapsed; for the election took place M^r mandamus was moved for, and cause was shewn for it, the rule was made absolute, and the election was set aside on the 21st. (*Ib.*)

If four inspectors have been properly declared to be not fit to be members of the vestry, such mandamus will not be granted, although the other four were duly nominated by the churchwardens, and officiated at the election. (*Ib.*)

(b) By the 58 Geo. I (ante, 332), persons rated for less than one year and less have one vote every 25*l.* a year more than which they are rated, and one-half vote.

attempt to obstruct or prevent the purposes of such mode of election.
persons so offending shall, upon information laid, and con-
cerning two or more justices of the peace having jurisdiction
adopting this act, be liable to a penalty of not less than
than 50*l.*, and in default of payment thereof shall be im-
term not exceeding six nor less than three months; and
ed shall be given, half to the informer who shall have in-
the person so offending, and the other half to the poor of
hich the said offence shall have been committed."

The aforesaid inspectors shall, immediately after they shall Public notice to
pon whom the aforesaid elections have fallen, deliver to the be given of ver-
trymen and au-
or to one of them, serving for the parish so adopting this ditors chosen by
e persons chosen by the parishioners to act as vestrymen parishioners.
f accounts; and the said list, or a copy thereof, shall be
oors of the churches and chapels or other places chosen
s of public notice in the said parish."

If any inspector as aforesaid shall wilfully make or cause to Penalty on in-
correct return of the said votes, every such offender shall, spector for
on laid by any person before two or more justices of the making incorrect
jurisdiction in the said parish, and upon conviction for such
e to a penalty of not less than 25*l.* and not exceeding 50*l.*"

In all parishes adopting this act the meeting of parishioners Elections to be
of the vestrymen and auditors of accounts by the pa- annual.

take place in the month of May in every year: Provided
en a ballot is demanded at such election the same shall
he following day, and continue for three successive days,
. eight of the clock in the forenoon and closing at four of
; afternoon on each day: Provided also, that the day on
ctions shall commence shall in the first instance be ap-
churchwardens of the parishes adopting this act, but in every
r shall be appointed by the vestry: Provided always, that
1 of the populousness of any parish the said parish shall
all be divided into districts for ecclesiastical or other pur-
and in that case the said votes shall be taken, according to
ode of election, in some convenient place, at the discretion
ordene in each of the several districts of the said parish."

tual curate, and churchwardens of the said parish shall be of the said vestry, and shall vote therein, in addition to the aforesaid elected under this act: Provided always, that no such rector or other such minister as aforesaid, from any ecclesiastical district as aforesaid, shall, *ex officio*, be a part of any vestry meeting."

Proportion of existing vestry to go out of office at each of three first elections under this act.

Sect. 24. "At the first election for vestrymen after the act in any parish, one third of the then existing vestry, number thereto, but not exceeding the same, shall retire from portion to be determined by lot,) and the parishioners duly elect a number of vestrymen equal to one third of the vestry according to the provisions of this act; and that on the annual election for vestrymen one half, or as nearly as may be, of the remaining part of the first aforesaid vestry shall retire (such portion to be determined by lot,) and the parishioners shall again elect a number of vestrymen equal to one third to be chosen according to the provisions of this act; and that is to say, the third annual election for vestrymen, the portion of the vestry as aforesaid shall retire from office, and the parishioners duly qualified shall elect vestrymen in like manner as at the two preceding elections, so as to fill up the vestry to the number of vestrymen prescribed by this act" (a).

Vestrymen to quit office after three years, and one third of the whole number to be elected annually.

Sect. 25. "At every subsequent annual election those who have been three years in office shall go out of office, and the parishioners shall elect, according to the provisions of this act, other vestrymen in the number of one third of the total number of which such vestrymen consist, as also fill up any vacancies which may have arisen by death or other causes: Provided always, that any or all vestrymen so going out by rotation may be immediately eligible for election."

Qualification of vestrymen.

Sect. 26. "The vestry elected under this act in any parish in the metropolitan police district or the city of London shall consist of resident householders rated or assessed to the relief of the poor of not less than 10*l.*; and no person shall be capable of a place in the said vestry unless he shall be the occupier of a house or buildings, or hereditaments rated or assessed upon the value of

want to them in like manner as they have accounted to acts regarding
Provided always, that nothing in this act shall be deemed, vestries, divine
taken to repeal, alter, or invalidate any local act for the worship, &c., ex-
my parish by vestries, or for the management of the poor cept as herein
of directors and guardians, or for the due provision for expressed.
within the parish, and the maintenance of the clergy offi-
otherwise than is by this act expressly enacted regarding
estrymen and auditors of accounts."

If powers or duties to be performed by the vestry of any The acts of a que-
this act may be exercised and performed respectively by rum of the vestry
of such vestry assembled at any meeting, there not at any meeting to
five vestrymen present at a meeting of a vestry which be considered as
are or more elected vestrymen and not exceeding twenty- the acts of the
being less than seven vestrymen present at a meeting vestry.
which consists of twenty-four or more elected vestrymen
being thirty-five, and not being less than nine vestrymen
being of a vestry which consists of thirty-six elected ves-
trymen ; and all orders and directions given, and all contracts
entered into by the vestrymen present at any such meet-
ing or part of them then assembled, shall be as valid and
the same were done by all the said vestrymen for the time
be binding and conclusive on all such vestrymen, pro-
vided it is confirmed at the next subsequent meeting of the

in any case in which the vestry room of any parish in any Meetings not to
hall not be sufficiently large and commodious for any be held in the
such meeting shall be held elsewhere within the said church.
but not in the church or chapel thereof."

At every meeting of any vestry, in the absence of the Meeting to elect
a chairman, the members pre-
pared by law or custom to take the chair, the members pre-
pared by law or custom to take the chair, the members pre-

adopting the act be elected for want of qualifications. (*Id.*)
politan police district, A parish which adopted the act had
London, or contain previously been governed by a vestry
resident householders: established by a local act, which de-
l under this 26th sect. fined the qualification of a vestryman,

3. Vestries under 1 & 2 Will. IV. c. 60.

Proceedings to be entered in books to be open to inspection.

Account books to be kept, and be open to inspection.

Auditors to be chosen annually.

Qualification.

Further qualifications of auditors.

Disqualification.

Mode of audit.

sent shall elect a chairman for the occasion before proceeding business."

Sect. 31. "The vestry of every parish adopting this act shall be provided and kept a proper book or books, and proper entries made therein of the names of the several vestrymen who shall respectively meetings of the vestry, and of all orders and proceedings taken at such meetings; and all such books shall at all times be open to the inspection of the said vestrymen, and of rated or assessed to the relief of the poor of the said parish, creditor on the rates of the said parish, without fee or reward said vestrymen, persons, and creditors, or any of them, shall also copies of or extracts from such books respectively, without thing for the same; and in case the clerk to the said vestry, or sons having the care of such books shall refuse to permit, permit the said vestrymen or such persons or creditors to same, or to take such copies or extracts as aforesaid, such person shall forfeit and pay any sum of money not exceeding £ 1 for such offence."

Sect. 32. "The said vestry shall and they are hereby required a book or books to be provided and kept, and true and regular to be entered therein of all sums of money received and disbursed account of parochial purposes, and of the several articles, things for which such sums of money shall have been so received or disbursed; which book or books shall at all seasonable times be open to the inspection of the said vestrymen, and of any person or persons having the care of such books, for the relief of the poor of the said parish, and of any creditor or debtors of the same, without fee or reward; and the said vestrymen and creditors as aforesaid, or any of them, shall and may take extracts from the said book or books, or any part or parts thereof, paying any thing for the same; and in case the clerk to the vestry, or other person with whom such books shall remain, on reasonable demand refuse to permit or shall not permit the said vestrymen, persons, or creditors, or any of them, to inspect the books, or to take such copies or extracts as aforesaid, such person as aforesaid shall forfeit and pay any sum not exceeding £ 1 for every such offence."

Sect. 33. "In any and every parish adopting this act, the persons duly qualified to vote for vestrymen as aforesaid shall elect five of the said parish who shall have signified in writing their assent to be auditors of accounts, which auditors shall be so elected on the day on which the vestrymen shall be chosen after such parish has adopted this act, and according to the same forms of voting as before prescribed for the election of the said vestry: Provided however no person shall be eligible to fill the said office of auditor of accounts who shall not be qualified according to the provisions of this act as before stated, to fill the office of vestryman for the said parish: Provided always, that no person shall be eligible to fill the said office of auditor of accounts who shall be one of the vestry for the time being, and if any person on the day of annual election shall be chosen a member of the vestry and an auditor of accounts, the said vestry, at their first meeting after such election, shall declare the said person incapable of acting as vestryman: Provided also, that no person shall be eligible to fill the said office of auditor of accounts who shall be either directly or indirectly, in any contract, office, business, or in providing or supplying any materials or articles for the parish which he is to serve; and any person who shall be discovered to be interested in the election, to be so interested, shall cease to be an auditor."

Sect. 34. "The aforesaid auditors of accounts shall meet together in each year, at the board room of the vestry, and (a majority of the auditors being present at such meetings) shall proceed to make a general account of the accounts of the said vestry for the preceding half year, in presence

ner as they audit the accounts of the said vestries" (a).
The said auditors shall have power to summon and call a writing for that purpose signed by any one of them, or the vestry of any parish adopting this act, any parish person or persons whatsoever concerned in the said require of him or her or them to attend the said auditors adjourned meeting, and to bring with them all books, papers, and documents required, which may counts, and to give such information as to the particulars as he, she, or they shall be enabled to give (b); and any other person refusing so to attend, or otherwise wilfully purposes of such inquiry, shall be deemed guilty of a

Auditors may call
for persons and
books.

The said accounts, when audited and approved by the said major part of them, shall be by them signed in the clerk of the aforesaid vestry of any parish adopting this clerk of the vestry shall also affix his signature to the shall be lawful for the aforesaid auditors to subjoin such as to them shall seem meet."

Accounts to be
signed by auditors.

The said accounts, when so audited and signed, shall Accounts after

seen that this section
auditors "shall meet
each year, at the board
, and (a majority of
being present at such
audit the accounts of
the vestry are required
eeting" to produce a
writing, &c., and the
ve the same power of
counts of certain other
to audit them in the
mandamus issued,
ed to attend with and
ditors their accounts.

*Church Trustees of St. Pancras, 3
Abel, & Ellis, 535; 5 N. & M. 219,
S. C.)*

A mandamus to account before auditors under the above act, recited that the auditors "duly appointed and acting under and by virtue of an act," &c. "in exercise of the powers given to them by the said act," had summoned the parties to account:—Held, that in a mandamus for this purpose it was not necessary to state more fully the adoption of the act by the parish, and the due appointment of the auditors. (*Id.*)

poor of the said parish, such person paying 1s. for the same copies the said clerk is hereby required to cause to be published writing or print, and distributed accordingly."

Vestry to make out and publish yearly a list of estates, charities, and bequests, &c., with the application thereof:

Sect. 39. "In any parish adopting this act the vestry shall make out, once at least in every year, a list of the several freehold, and leasehold estates, and of all charitable foundations if any, belonging to the said parish and under the control of the vestry, the said list to contain a true and detailed account where such estate or charitable foundation may be situated, mode and security such bequest may be invested, specifying the yearly rental of each, and the particular appropriation thereto, with the names of the persons partaking of their benefit, and such benefit shall be allotted to the poor of the parish generally in what amount in each case, and also stating the name and the persons in whom such estates are vested, and the names and designation of the trustees for each charity: Provided always, that this list shall be open for the inspection of the rate-payers, at the time of the audit by the vestry clerk, at the same time with the accounts when audited according to the provisions of this act."

Saving of ecclesiastical jurisdiction.

Sect. 40. "Provided always, that this act or any thing contained, shall not extend to or be construed to extend to invade any ecclesiastical law or constitution of the Church of England except so far as concerns the appointment of vestries, or the rights or powers belonging to the archbishops, bishops, or other of the clergy of the said established church, either as members of corporate bodies, or in anywise to abridge or control the jurisdiction over or relating to any matter or thing respecting the same thereof."

Meaning of terms used in this act.:

Sect. 41. "And in order to remove doubts as to the meaning of certain words in this act, be it enacted, that the word 'justice' shall be deemed to mean justice of the peace; and that the words 'party' shall be deemed to include any number of persons or bodies corporate; and that the words 'justices of the peace of the county or division' shall be deemed to include justices of the peace of any division, liberty, division of a liberty, precinct, county of a city, town, or cinque port, or town corporate; and that the word 'parish'

Wales.

enue of offences in, see "Indictment," Vol. III.

II. c. 42, s. 3, in all cases where the kingdom of England Deemed part of

f Great Britain called England, hath been or shall be men-
act of parliament, the same has been and shall be taken to
be dominion of Wales and town of Berwick.

III. IV. c. 70, intituled "An Act for the more effectual Ad-
of Justice in England and Wales," passed the 23d July, 1830,

jurisdiction of her Majesty's Courts of King's Bench, Juriadiction of
Exchequer, respectively, and of the several judges courts at West-
ereof, is extended over and within the county of Chester
ity of the city of Chester, and the several counties in
e manner, to the same extent, and to and for all intents
whatsoever, as the jurisdiction of such courts respectively
ed in and over the counties of England not being counties
to counties pale-
line, &c.

ereof, is extended over and within the county of Chester
ity of the city of Chester, and the several counties in
e manner, to the same extent, and to and for all intents
whatsoever, as the jurisdiction of such courts respectively
ed in and over the counties of England not being counties

"From and after the time herein appointed for the com- Assizes to be held
f this act, assizes shall be held for the trial and despatch of in Chester and
riminal and civil, within the county of Chester and the seve- Wales.

nd county towns in the principality of Wales, under and by
missions of assize, oyer and terminer, gaol delivery, and
nd commissions to be issued in like manner and form as
ual for the counties in England; and all laws and statutes
relating to the execution of such commissions, when issued
n England, shall extend and be applied to the execution of
ons issued for the county of Chester and the counties of
the authority of this act."

1 Will. IV. c. 70.

Mode of holding assizes in Chester and Wales until his majesty shall otherwise direct.

Records of the several courts abolished to be kept as heretofore, until otherwise provided for.

For passing acts counts of sheriffs of county of Chester and principality of Wales.

When quarter sessions are to be held.

Execution of criminals.

Sect. 20. "Until it shall be otherwise provided by law, on judges appointed to hold the sessions of assizes under his Ma mission within the county of Chester and principality of in such order and at such times as they shall appoint, proc such assizes at the several places where the same have been most usually held within South Wales; and the other of shall proceed to hold such assizes at the several places which have heretofore been most usually held in North Wales; and judges shall hold the assizes in and for the county of Che manner as in other counties of England."

Sect. 27. "The records, muniments, and writings of the abolished by this act shall, until otherwise provided by law, the same persons and in the same places as before the passing and that the Court of Common Pleas shall have the like po thory to amend the records of fines and recoveries passed by any of the courts abolished by this act, as if the same had suffered, or had in the Court of Common Pleas: provided al case of the death of any such person before any other provis been made for keeping such records, muniments, and writings thereof shall be with the clerks of the peace of the several which counties the same shall respectively belong."

Sect. 33. "The clerk of assize, within ten days after the c the assizes in the county of Chester, and in each county in make out a roll containing the names and places of residen sons liable to the payment of any fines, issues, amerceme zances, compositions, or other sums imposed or forfeited du ceding assizes, with the sums set opposite to each name, and with transmit the same to the sheriff, with an order upon signed in the name of one of the judges of assize, directing cause such sums to be levied and recovered from the parties the same, which order shall be of the same force and effic returnable to the same person or persons, as any writ or proce issued to the sheriff for the like purpose; and the sheriff, upon thereof, shall proceed to levy the sums in the said roll mention be accountable for the same, and all arrears thereof, in the s at the same time, and to the same officer, and shall pass before the same officer or officers, as he hath been heretofore a

Sect. 35. "In the year of our Lord 1831, and afterwards of the peace in every county, riding, or division for which sessions of the peace by law ought to be held, shall hold t quarter sessions of the peace in the first week after the ele October, in the first week after the twenty-eighth day of I the first week after the thirty-first day of March, and in th after the twenty-fourth day of June; and that all acts, matter done, performed, and transacted at the times appointed by th holding of the general quarter sessions of the peace shall be binding to all intents and purposes as if the same had bee formed, and transacted at general quarter sessions of the peace times by law limited for the holding thereof before the passing

By the 5 Will. IV. c. 1, passed to explain the above act, relates to the execution of criminals in the county of Chester, by section 1, that the sheriffs of the county of the city of execute criminals condemned to die for offences committed county; and by sect. 2, the judge before whom any criminal convicted, may make an order upon the sheriff of the county to criminal in any place not within his jurisdiction.

Wapentake. The same as a hundred. It is especially north counties above the Trent. *Bract. C. 3,* further, title "Hundred," Vol. III.

en necessary, and when to be granted, and previous Proceedings, p. 353.

m of Warrant, how long in force, &c., and right to withdraw or amend it, p. 355.

king of Warrants, &c., p. 358.

. II. c. 55; 13 Geo. III. c. 31; 44 Geo. III. c. 92; 45 Geo. III. c. 92; 48 Geo. III. c. 58; 54 Geo. III. c. 186].

le of executing, and herein of Breaking open Doors, &c., p. 363.

at to be done after the Arrest, p. 368.

ms, p. 368.

it necessary, and when to be granted, and previous Proceedings.

already pointed out who may be arrested, and for what Who may be
that time, in what places, and by whom. (See "Arrest," Vol. I.) arrested, and for
also seen as to when a party may be arrested without a war- what.
"Arrest," Vol. I.) In general, it is best to obtain a warrant Arrest without
time.

es seldom grant a warrant in the first instance in cases of Summons, when
r, unless in aggravated cases, or where there is a likelihood of most proper.
absconding, if he be apprized of the complaint being made
: in ordinary cases, it is most usual to issue a *summons* in the
, and if that be disobeyed, then to issue a warrant. (See 2
, 77, 101.) But if the summons has been duly served, and
he is satisfied that it was so, then he may proceed to hear and
in case whether the accused appear before him or not, and it
then to issue a warrant. (Rev v. Simpson, 1 Bla. 44.) .

1. When necessary, &c. 163,) or Lords, (*R. v. Flower*, 8 T. R. 314;) by justices of assize (1 *Leach*, 116,) or oyer and terminer, (*Hale*, 599;) justices (Ib. ;) or by a judge of the Court of Queen's Bench. (1 *Hale*, 28.) It is most usually granted by a single justice of assize (4 *Bla. Com.* 290; 1 *Chit. C. L.* 34.)

When may be granted.

Upon suspicion.

In all cases of treason, felony, or actual breach of the peace, a justice may, on a proper charge made, or on his own view, issue a warrant to apprehend the suspected offender. (2 *Hale*, 72, 78; 2 *Butt v. Conant*, 1 B. & B. 548.) Also, for every misdemeanour indictable at sessions, and which subjects the delinquent to punishment, though it does not amount to a breach of the peace, a justice may issue his warrant to apprehend the charged person, upon the ground that the law impliedly affords power to issue a warrant, because it gives jurisdiction over the offence; and perjury, by statute, libels, and nuisances, when persisted in, subject the offender to criminal process. (1 *Chit. C. L.* 13; *Butt v. Conant*, 1 B. & B. *Moore*, 195, S. C.; 2 *Haw. c.* 13; 12 *Rep.* 131.) And the particular misdemeanours for which particular acts of parliament expressly require a justice of the peace to issue his warrant.

Lord *Hale* proves at large, contrary to the opinion of (4 *Inst.* 177,) that a justice hath power to issue a warrant for the apprehension of a person suspected of felony, before he is indicted; and that the original suspicion be not in himself, but in the party to whom he issued the warrant. (2 *Hale*, 107, 110.) For the justices are judges of the reasonableness of the suspicion, and when they have examined the evidence touching the reasons of his suspicion, if they find the suspicion to be reasonable, it is now become the justices' duty as well as theirs. (2 *Hale*, 79, 80.) And in another place, speaking of the opinion of Lord *Coke*, he delivers himself seemingly without warmth not usual to him: "I think," says he, "the law of the constant practice, in all cases, hath obtained against it, that it would be pernicious to the kingdom if it should be as Lord *Coke* saith, for malefactors would escape unexamined and undiscovered." He may have a probable and strong presumption of the guilt of the party whom yet he cannot positively swear to be guilty." (1 *Hale*, 107.) *Hawkins* likewise seems to be of the same opinion against it, but delivereth himself with his wonted caution and candour: "that the practice of justices of the peace, in granting of a warrant for the arrest of any person, upon suspicion, for a felony, or other misdemeanour, before a trial, hath been found against him; yet inasmuch as justices claim their power rather by connivance than any express warrant of law, and due execution of it may prove so highly prejudicial to the party, as well as the liberty of the party, a justice cannot well be too careful in the proceedings of this kind, and seems to be punishable not only of the king, but also of the party grieved, if he grant any such warrant groundlessly and maliciously, without such a probable cause as will induce a candid and impartial man to suspect the party to be guilty."

sustine says, "It is safe, but perhaps not necessary, in the warrant, to show the place where it was made; yet it seems fit forth the county, in the margin at least, if it be not set ready." (2 *Haw.* c. 13, s. 23.)

directed to the sheriff, bailiff, constable, or to any indifferent Direction of one, who is no officer; for the justice may authorize any one to whom he pleases to make such; yet it is most advisable the constable of the district or precinct wherein it is to be no other constable, and, *& fortiori*, no private person, is to execute it, and the constable alone can in general be neglecting or refusing to execute it. (2 *Haw.* c. 13, s. 27; 2 *Hale*, 110.)

In case of an act of parliament, it is said, that if the act direct shall grant a warrant, and do not say to whom it shall be consequence of law, it must be directed to the constable, and directed to the sheriff, unless such power be given in the act. *t, 2 Lord Raym.* 1192; 2 *Salk.* 381, S. C.; *sed vide Blatcher Bla.* 15.)

warrant directed to the constable or constables by name, and two or more jointly and severally, any one may execute it, but it is usually directed to the constable of the district generally naming him, "*and to all other officers of the peace within y.*" In *R. v. Weir and others*, (1 *B. & C.* 288; 2 *D. & R.* 17) a warrant of distress for a poor's rate, directed to the constables without naming them as individuals, was held not legally to bring them out of their jurisdiction, viz., in St. Paul's, Deptford. *But, by the 5 Geo. IV. c. 18, s. 6, constables may execute such warrants within their precincts, provided the place in which such warrants*

christian name, assigning no reason for the omission, nor giving distinguishing particulars of the individual ; and the conviction of because he had resisted, was held wrong. (*R. v. Hood*, 1 M. &

If there be a mistake in the name of the supposed offender, name of the officer be inserted without authority, and after the the warrant, or if the officer exceed the limits of his autho be killed, this will amount to no more than manslaughter in t whose liberty is thus invaded. (*Fost.* 312 ; *Cole v. Hindson*, 6 T

But if the warrant be filled up by the magistrate before he though after he signed it, the proceeding is regular, and killing endeavouring to arrest the party is murder. (*R. v. Inhabitants*, 8 T. R. 455 ; 2 *Leach*, 929.)

General warrant.

A general warrant, upon a complaint of robbery, to appi persons suspected, and to bring them before a justice, hath l void ; and false imprisonment lies against him that issues such (1 *Hale*, 580 ; 2 *Hale*, 112.) So, a general warrant to appr authors, printers, and publishers of a libel, without naming them (*Money v. Leach*, 1 *Bla. Rep.* 555 ; 19 *Howell's St. Tr.* 1002.)

General warrants, to take up loose, idle, and disorderly peop v. *Leach*, 3 *Burr.* 1766. See *ante*, “*Vagrants*,”) and search (2 *Haw.* c. 13, s. 11. See title, “*Search-Warrants*,” Vol. V.,) a the only exceptions to this rule. See as to general warrant for defective weights and measures, post, “*Weights and Mensu*

Statement o:
offence.

Regularly, the warrant, if it be for the peace or good behavio like, where sureties are to be found or required, ought to c special cause and matter whereupon it is granted, to the inter party upon whom it is to be served may provide his sureties : take them with him to the justice to be bound for him ; but i rant be for treason, murder, or felony, or other capital offe great conspiracies, rebellious assemblies, or the like, it hath bee it needeth not to contain any special cause, but the warrant of may be to bring the party before him, *to make answer to such mutters generally as shall be objected against him on the Queen*. (*Dalt.* c. 169 ; 2 *Haw.* c. 13, s. 25 ; 2 *Hale*, 111 ; 1 *Chit. C. L.*

But Mr. *Lambard* says, “every warrant made by a justice of

a not returnable at any particular time, but continues in ^{Return of war-}
fully executed and obeyed, though it were seven years, ^{rant, and how}
gistrate so long live. (Per Lord Kenyon, C. J., Dickin-
eke's N. P. 234; 1 Esp. 218, S. C.) ^{long in force.}

arrest the party, "to the end that he may become bound,
the next sessions," &c., means the next sessions after the
after the date of the warrant. Therefore, the officer ex-
ustify an arrest after the sessions next ensuing the date of
Sayhew v. Parker and others, 8 T. R. 110.)
need not be returnable at a place certain. (4 Bla. Com.

may issue to bring the party before the justice who ^{Before what jus-}
rant specially, and then the officer is bound to bring him ^{tice party to be}
justice; but if the warrant be to bring him before any ^{brought.}
in the election of the officer to bring him before what
only he thinks fit, and not in the election of the prisoner.
Hale, 112.)

t forth the year and day wherein it is made, that, in an Date and place,
upon an arrest by virtue of it, it may appear to have been
test; and also, in case where the statute directeth the
e within such a time, that it may appear that the prosecu-
ed within such time limited: likewise, where a penalty is
or of the parish where the offence shall be committed, or
it to specify the place where the offence was committed.
22.)

meral better to state the place where the warrant is made.

: under the hand and seal of the justice who makes it ^{Hand and seal of}
13, s. 21; 2 Squad. 305, n. 13.) ^{Justice.}

a particular statute, however, may dispense with the war-
seal. Thus, in trover, where defendant justified, under
stress, for a penalty under 9 Geo. II. c. 23, for selling
s without a licence, it appeared, on case reserved, that
signed by two justices, but not sealed: the court held
cient, as the 12 Car. II. c. 24, s. 25, to which the statute
ver authorized the issuing of warrants under their

ascertained, they signed an order to the overseers to suspend execute the warrant of distress. This was delivered to one of seers, who nevertheless distrained, an action of trespass being against him. It was held that the justices had no power to ~~see~~ order, on account of a doubt as to the correctness of the bill the defendant therefore was acting under a legal warrant, entitled to a demand of a copy of the warrant under stat. 24 (44, s. 6. (See *R. v. Justices of Cheshire*, 5 *B. & Adol.* 439; 2 727, S. C.)

III. Backing of Warrants, &c.

Unless backed it
must be executed unless it be *backed*: that is, indorsed by a justice of the county in county.

The warrant of a magistrate cannot be executed out of his county, riding, division, city, liberty, town, or place within this county, riding, division, city, liberty, town, or place out of the jurisdiction of the justices granting such warrant as aforesaid, it is to be carried into execution. (2 *Hale*, 115.)

Person being out
of the jurisdiction
of the justice,
who shall grant a
warrant,

how to be dealt
with.

By statute 24 Geo. II. c. 55, s. 1, "In case any person, again a warrant shall be issued by any justice or justices of the peace of the county, riding, division, city, liberty, town, or place within this county, riding, division, city, liberty, town, or place where such persons shall escape, go into, reside, or be in any other county, riding, division, city, liberty, town, or place out of the jurisdiction of the justices granting such warrant as aforesaid, it shall and may be any justice or justices of the peace of the county, riding, division, city, liberty, town, or place where such persons shall escape, go into, or be, and such justice or justices is and are hereby required, upon being made upon oath, of the handwriting of the justice or justices granting such warrant, to indorse his or their name or names on such warrant, which shall be a sufficient authority to the person bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant in such other county, riding, division, city, liberty, town, or place out of the jurisdiction of the justices granting such warrant as aforesaid, and to apprehend and carry such offender or offenders before the justice who indorsed such warrant, or some other justice or justices of such other county, riding, division, city, liberty, town, or place where such warrant was issued."

are required to appear by virtue of such recognizance; ---
ignorance, examination, or confession shall be as good and
w, to all intents and purposes, and of the same force and
the same had been entered into, taken, or acknowledged
ce or justices of the peace in and for the proper county,
n, city, liberty, town, or place where the offence was com-
ie same proceedings shall be had thereon ; and in case such Custables not de-
ingman, or other person to whom such recognizance, exa.
fession, or other proceedings shall be delivered as afore-
ise or neglect to deliver over the same to the clerk of assizes,
: peace of the county, riding, division, city, liberty, town, or
uch offender is required to appear by virtue of such recog-
constable, tithingman, or other person shall forfeit the sum
ecovered against him by bail, plaint, or information, in any Penalty.
's courts at Westminster, by any person or persons who
or sue for the same; wherein no escheat, protection, or
shall be allowed, or more than one impannage ; and in case If offence not
which such offender or offenders shall be apprehended and bailable, &c.,
other county, riding, division, city, liberty, town, or place,
ailable in law, or such offender or offenders shall not give
pearance at the next assizes or general gaol delivery, or next
er-sessions of the peace, to be held in and for the county,
n, city, liberty, town, or place where the offence was com-
satisfaction of the justice before whom such offender or
l be brought in such other county, riding, division, city,
or place ; then, and in that case, the constable, tithingman,
n or persons so apprehending such offender or offenders,
id convey such offender or offenders before one of his
ices of the peace of the proper county, riding, division,
own, or place where such offence was committed, there to
according to law."

lice may further order (if he think fit) the party, according
pear bailable or not bailable upon the face of the warrant, to
fore himself, or some other justice or justices of that
be carried back into the county from whence the warrant

how offender to
be dealt with.

Great Britain called Scotland, men, and in every such case him, her, or them into any county of that part of Great Britain, next adjacent to that part of Great Britain called Scotland, before one of the justices of peace of such county, which justice is hereby authorized and required to proceed with regard to such or persons, in the manner directed by an act made in the twentieth year of the reign of his majesty king George the Second, intituled An Act for amending and making more effectual a Clause in an Act passed in the last Session of Parliament, for the apprehending of offenders who shall escape from any County or Place, upon Warrants granted by Justices of the Peace of any other County or Place,' as if the said person or persons so apprehended in the said county."

Offenders escaping from Scotland may be apprehended and returned.

Sect. 2. "From and after the passing of this act, if any person against whom a warrant shall be issued by the lord justice chief-justice clerk, or any of the lords commissioners of justice, or any sheriff or steward depute, or substitute, or justice of the peace of that part of Great Britain called Scotland, for any crime or offence against the laws of that part of the United Kingdom, shall escape, go into, or be in any place of that part of Great Britain called England, it may be lawful for any justice of peace of the county, riding, division, city, liberty, town, or place where such person or persons shall escape, reside, or be, to indorse his name on the said warrant, which so indorsed, shall be a sufficient authority to the person or persons holding such warrant, and to all persons to whom such warrant was directed; and also to all constables or other peace-officers of the county, riding, division, city, liberty, town, or place where such warrant is so indorsed, to execute the said warrant in the county, riding, division, city, liberty, town, or place where it is so indorsed, by apprehending such person or persons against whom such warrant is granted, and bringing him, her, or them into the county or place of that part of Great Britain called Scotland, being adjacent to that part of Great Britain called England, where the crime was committed; and before the sheriff depute, or substitute, or one of the justices of the peace of the county, riding, division, city, liberty, town, or place, to be there dealt with according to law; or in case the crime was committed in a county not next adjacent to that part of Great Britain called England, then, and in such case, to convey him, her,

r persons shall escape, go into, reside, or be, to indorse his warrant, which warrant, so indorsed, shall be a sufficient person or persons bringing such warrant, and to all persons such warrant was originally directed, and also to all constable peace-officers of the county, stewartry, riding, division, town, or place where such warrant shall be so indorsed, said warrant in the county, riding, division, city, liberty, where it is so indorsed, by apprehending the person or whom such warrant is granted, and to convey him, her, & most direct way into Ireland, and before one of the justices of the county in Ireland, living near the place and where he, she, or they shall arrive and land; which justice of hereby required to proceed with regard to such person or the said person or persons had been legally apprehended in y in Ireland."

the same provision is made as to offenders escaping from Scotland into Ireland, being apprehended and conveyed back and or Scotland.

4 Geo. III. c. 186, after reciting the 13 Geo. III. c. 31, 44 i, and 45 Geo. III. c. 92, repeals the fifth and sixth sections ntioned act, and enacts, sect. 2, "That from and after the s act, all warrants issued in England, Scotland, or Ireland may and shall be indorsed and executed, and enforced and any part of the United Kingdom, in such and the like manner by the said first recited act of the thirteenth year of the reign majesty, in relation to warrants issued or granted in Eng- land respectively, as fully and effectually, to all intents and f all the provisions of the said act were in this act severally repeated and re-enacted, and made part of this act, as to the United Kingdom, and as to all justices of the peace, sheriffs, constables, or other officer or officers of the peace in ll as in England and Scotland respectively."

t shall be lawful for any judge of any of his majesty's Judges, in either record in Westminster, of the court of sessions in the county country, to In- Worcester, or of any of the courts of great sessions in Wales, or second diligence. in any of his majesty's courts of record in Dublin, to in-

Warrants may be
indorsed and
acted upon in
either country, as
by 13 Geo. III. c.
31, ss. 1, 2.

rant, such judge or justice or justices by whom such indorsed, or before whom any such offender or offenders shall and may proceed with such offender or offenders, and him, her, or them, according to the exigence of the said warrant, in the same manner as the judge or justice who originally issued or might have done; and such judge or justice taking bail as aforesaid shall take the recognizance or bail of said offender or offenders, and of his, her, or their bail, in shall deliver one of such duplicates to the constable, or other officers, or person or persons so apprehending such offender as aforesaid, who are hereby required to receive the same, or cause to be delivered, such recognizance or bail-bond to the crown, or clerk of the peace, or other proper officer for the same, belonging to the court in which by such recognizance such offender or offenders shall be bound to appear, and zance or bail-bond shall be as good and effectual in law, and purposes, and of the same force and validity, as if the same entered into, taken, or acknowledged before a judge or justice of the peace of the county, stewartry, city, town, liberty, or the offence was committed; and the said judge or justice taking bail as aforesaid, shall transmit the other of such duplicate to the Court of Exchequer of such part of the United Kingdom as the bail shall be taken, there to be kept of record; and it shall be lawful for the court, in which any person so bound to appear, his or her said recognizance or bail-bond, to transmit a certificate certifying the forfeiture thereof, under the seal of the court, hand and seal of one of the judges or justices of the same Court of Exchequer, in that part of the United Kingdom in which the recognizance or bail-bond shall have been taken; and it shall be lawful for such Court of Exchequer to proceed upon such certificate to levy the sum so forfeited, in the same manner in which the sum is levied upon any recognizance or bail-bond, taken and forfeited within that part of the United Kingdom, and estreated in due course of law in that court: Provided always, that if such offence be not bailable, such offender or offenders shall not give bail for his, her, or their appearance, according to the exigence of such warrant, the said

Parties not bailable, nor bailed, shall be remanded to custody as un-

arrest for a *felony* may be executed in any franchise in
Hale, 116.)
rected to *several* may be executed by any one of them; (1 By whom.
;) but if directed to two or more *jointly* only, it seems all
t. (See *Boyd v. Durand*, 2 *Tenn.* 161; *Co. Lit.* 181 b.;
re, 355.)
rty named in the warrant employs others to assist him, he
r as to be acting in the arrest, in order to render it legal.
er, Cope. 66.)
may be executed at any time while it is in force. (*Mackall*. Time of execu
p. 65; 1 *East's P.C.* 324; *Lawrence v. Hedger*, 3 *Tenn.* 60.
already seen how long it continues in force, *ante*, 357.
the night is good, both at the suit of the queen and of the
e party may escape. (9 *Rep.* 66.)
I. c. 7, s. 6, an arrest for treason, felony, or breach of the
made on Sunday. (See "Lord's Day," Vol. III.)
. *Barker*, (8 *T. R.* 110,) it was held that a warrant to arrest
ie end that he may become bound to appear at the *next*
means the *next sessions after the arrest*, and not after the
ant; therefore the officer executing it may justify an arrest
is next ensuing the date of the warrant.
y, it seems, be twice apprehended under the same warrant,
; of the warrant have not been effected. (*Dickenson v.*
Rep. 234.)
non cannot raise power to arrest or detain a felon. (1 *Hale*, Taking the power
of the county.

4. Mode of executing, &c.

But any justice, or the sheriff, may take of the county any where he shall think meet, to pursue, arrest, and imprison traitors, robbers, and other felons, or such as do break or go about to disturb the king's peace ; and every man, being required, ought and aid them, on pain of fine and imprisonment. (*Dalt. c. 17*)

It is not justifiable for a justice, sheriff, or other officer, to assemble *posse comitatus*, or raise a power or assembly of people, upon heads, without just cause. (*Id.*)

But, where a justice, sheriff, or other officer, is enabled to use the power of the county, it seemeth they may command and exact the aid and attendance of all knights, gentlemen, yeomen, husbandmen, labourers, tradesmen, servants, and apprentices, and of all others being above the age of fifteen years, and able to travel. (*Id.*)

Women, ecclesiastical persons, and such as be decrepit or disabled, not be compelled to attend them. (*Id.*)

And, in such case, it is referred to the discretion of the justice or other officer, what number they will have to attend on them, and after what manner they shall be armed or otherwise furnished.

Sheriff may designate.

If a warrant be directed to the sheriff, he may command his under-sheriff, or other sworn and known officer, to serve it, writing any precept. But if he will command another man than the officer to serve it, he must give him a written precept; otherwise he may be liable to an action for false imprisonment. (*Lamb. 89.*)

But every other person to whom it is directed must personate it; yet it seems that any one may lawfully assist him. (2 *Haw.* c. 13, s. 31.)

Directions of warrant to be observed strictly.

The directions of the warrant must be strictly observed, executing it will not be justified in his acts, and may be treated as a trespass; as, if the warrant be to arrest A., and he arrest B. (*Dig. Imprisonment* (B.); 2 *Haw. c. 13, s. 31; Price v. Messen P. 162; Bell v. Oakley, 2. M. & Sel. 261. See also "Constable."*

Showing the warrant.

A person sworn and commonly known, and acting within his precinct, need not show his warrant, but he ought to acquaint the party with the substance of it. (2 *Haw. c. 13, s. 28.*)

Or giving notice of.

An officer giveth sufficient notice what he is when he saith "*I arrest you in the queen's name;*" and, in such case, the peril ought to obey him, though he knoweth him not to be an officer; if he have no lawful warrant, the party grieved may have an action for false imprisonment. (*Dalt. c. 169.*)

What an arrest.

But the learned editor of *Hale's history* observes hereupon that books referred to intend the general warrant constituting such an officer, as a bailiff or the like, in a civil action; though it may be wise in case of felony, because, in such case, a private person may arrest a felon without any warrant at all. (2 *Hale*, 116; 1 *Id.* 458,

In *Hall v. Roche*, (8 T. R. 188,) the doctrine that even a king is not obliged to show his authority when demanded, was considered dangerous, because it may affect the party criminally in case of homicide, and, if homicide ensue, the legality of the warrant enters more into the merits of the question. And Lord Kenyon observed, that a person thinks a person is bound to take it for granted, that another has a warrant against him, without producing it, speaks truly.

A warrant was issued to apprehend the plaintiff upon a charge of conspiracy; a constable went to the plaintiff's house with the warrant, showed it to him, allowed him to take a copy of it, and then accompanied by the plaintiff to the magistrate, who, after examining him, dismissed him. Trespass for assault and false imprisonment was brought against the magistrate, and a verdict was given for the defendant, showing cause against a rule for setting aside the verdict, Sir C. J., held, that, as the plaintiff went voluntarily before the magistrate, the warrant being made no other use of than as a summons, arrest, and therefore the verdict was right. (*Arrowsmith v. Russen*, 2 N. R. 211. See *Russen v. Lucas*, 1 C. & P. 153.)

person authorized to arrest another, who is sheltered in a When allowed.
quietly to enter it, in order to take him, it seems generally
that he may justify breaking open the doors in the following

capias grounded on an indictment for any crime whatsoever. On a capias or In-
a capias from the Chancery or King's Bench, to compel a dictment, or for
reties for the peace or good behaviour, or even upon a war- sureties of peace,
tice of peace for such purpose. (2 Hale, c. 14, s. 3.) &c., or warrant.

ty has been guilty of a contempt of court, and process has Contempt of
against him for it, outer doors may be broken open to ex. court.
*Hume's case, Cro. Eliz. 909; 5 Rep. 92, c. And see Burdett
Last, 157.)*

is known to have committed a treason or felony, or to Pursuit for trea-
ther a dangerous wound, is pursued either with or without son or felony.

constable or private person; but where one lies under a
tion only, and is not indicted, it seems the better opinion
r. Hawkins says (c. 14, s. 7), that no one can justify the
doors in order to apprehend him. And this opinion he
t's 4 Inst. 177, and Hale's *Pleas of the Crown*, 91.

warrant for probable cause of suspicion of felony, the By warrant on
n such warrant is directed may break open doors to take suspicion only.
spected, if upon demand he will not surrender himself,
ero had been an express and positive charge against him;
rs) hath the common practice obtained, notwithstanding
ision of Lord Coke; for, in such case, the process is for
therefore a non omittas is implied. (1 Hale, 580, 583; 2

may break open such person's own house, so much more In house of
another.

4. Mode of executing, &c. may he break open the house of another to take him; for he may do upon a civil process; but then he must at his peril find the felon be there; for, if the felon be not there, he is a trespasser whose house it is. (2 Hale, 117; Semayne's case, 5

Distinction between private persons and officers.

But it seems that he that arrests as a private man, barely upon suspicion of felony, cannot justify the breaking open of doors to arrest a suspected, but he doth it at his peril; that is, if in truth he be innocent, then it is justifiable, but if he be innocent, but upon a reasonable suspicion, it is not justifiable. (1 Hale, 82.)

But a constable in such case may justify, and the reason is this: because in the former case it is but a thing for private persons to arrest for suspicion, and they are not punished if they omit it; and therefore they cannot break open doors. In the case of a constable, he is punishable if he omit it upon command. (2 Hale, 92.)

Warrant where king a party.

And, in general, an officer, upon any warrant from a justice for the peace, or good behaviour, or in any case where the king may by force break open a man's house, to arrest the offender. (2 Hale, c. 169.)

To prevent murder.

It is justifiable for a private person to break and enter into another, and imprison his person, in order to prevent him from killing his wife. (Handcock v. Baker, 2 B. & P. 260.)

Search warrant.

(3.) On a warrant to search for stolen goods, the doors may be open, if the goods are there; and if they are not there, the constable seems indemnified, but he that made the suggestion is punished. (2 Hale, 151.)

Forcible entry. &c.

(4.) Where forcible entry or detainer is found by inquisitors or justices of the peace, or appears on their view. (2 Haw. c. 1)

Capias utlagatum, &c.

(5.) On a *capias utlagatum*, or *capias pro fine*. (Id. s. 2.)

Levying a forfeiture, &c.

(6.) On the warrant of a justice of the peace for the levy of a forfeiture, in execution of a judgment, or conviction for it, granted by statute, which gives the whole or any part of such forfeiture. (Id. s. 5.)

Affray in house.

(7.) Where an affray is made in a house, in the view or house of a constable, he may break open the doors to take them. (1 Hale, 16; 2 Haw. c. 14, s. 8.)

Disorderly house, &c.

(8.) If there be disorderly drinking or noise in a house at a reasonable time of night, especially in inns, taverns, or ale-houses, and the constable, or his watch, demanding entrance, and being refused, may break open the doors, to see and suppress the disorder. (2 Hale, 95.)

Escape after arrest.

(9.) Wherever a person is lawfully arrested for any cause, and he afterwards escapes, and shelters himself in a house. (2 Haw. c. 14, s. 11; 12 Rep. 131.)

On a general warrant not allowed.

(10.) But upon a general warrant, without expressing a cause of treason, or surety of the peace, the officer cannot break open doors. (2 Hale, 584.)

Nor on warrant not granted on precedent offence.

(11.) Neither ought doors to be broken open to take a person required to take certain oaths by virtue of a statute, because the warrant is not grounded on a precedent offence. (2 Hale, 14, s. 11; 12 Rep. 131.)

In civil process.

(12.) In a civil suit, the officer cannot justify the breaking of an inward door or window, in order to execute process. If he be a trespasser. But if he findeth the outward door open, and so his way, or if the door be opened to him from within, and he may break open inward doors, if he findeth that necessary to execute his process. (Fost. 319. See Tidd's Pract. 9th ed. 1320.)

For a man's house is his castle, for safety and repose to his family; but if a stranger, who is not of the family, upon a pretence of refuge in the house of another, this rule doth not extend to him. (See Semayne's case, supra.)

And it is always to be remembered that this rule must be

ch person, either upon the attempt to arrest, or after the ^{An assault with}
it the officer, to the intent to make his escape from him, and ^{Intent to escape}
standing upon his guard, kill him, this is no felony; for he
. to go back to the wall, as in common cases of *se defendendo*,
is his protection. (2 Hale, 118; 1 East's P. C. 302.)

: a warrant issueth against a person for felony, and either flight for felony,
or after he flies and defends himself with stones or weapons,
officer must give over his pursuit, or otherwise cannot take
killing him, if he kill him, it is no felony. And the same
constable that doth it by virtue of his office, or on hue and

here must be these cautions: 1. He must be a lawful officer; it be a lawful warrant. 2. The party ought to have notice of if the pursuit,—namely, because a warrant is against him. is a case of necessity, and that not such a necessity as in the where an assault is made upon the officer; but this is the namely, that he cannot otherwise be taken. (*2 Hale*, 119; 1 312.)

xcient person be indicted of a felony, where in truth no felony After indictment
ted, and will not suffer himself to be arrested by the officer
warrant for that purpose, he may lawfully be killed by him, if
otherwise be taken; for there is a charge against him upon
which, at his peril, he is bound to answer. (1 Haw. c. 28, s.
Homicide." Vol. III.)

gh a private person may arrest a felon, and if he fly, so as he Private person.
then without he be killed, it is excusable in this case for the
st it is at his peril that the party be a felon; for if he be inno-
felony, the killing (at least before the arrest) seems at least
or ; for an innocent person is not bound to take notice of a
on's suspicion. (2 Hale, 119.)

Opposing the
execution.

By an officer by
warrant.

If the arrest be by virtue of a warrant, when the officer arrests, he is forthwith (see *Wright v. Court*, 4 B. & Cres. the party, according to the direction of the warrant. If it party before the justice who granted the warrant specifies officer is bound to bring him before the same justice; but be to bring him before any justice of the county, then it is of the officer to bring him before what justice he thinks the election of the prisoner. (*Foster's case*, 5 Rep. 59, b.; 2 *Hale*, 112.)

But if the time be unseasonable, as in or near the night cannot attend the justice, or if there be danger of a present the party be sick, he may secure him in the stocks, or in a next day, or such time as it may be reasonable to bring him. 120. See *Wright v. Court, supra*. "Arrest," Vol. I.)

And when he hath brought him to the justice, yet he is in his custody till the justice discharge, or bail, or commit him.

But, it is said, the constable is not obliged to return the warrant, but may keep it for his own justification, in case he should be called upon to give account of his conduct, or to answer for what he had done, but only to return what he has done (*Wyatt v. Wyatt*, 2 *Ld. Raym.* 1196; 1 *East's P. C.* 319.)

And this seems to be implied in the 24 Geo. II. c. 44, s. 6, that no action shall be brought against any constable, his other officer, or against any person or persons acting by his aid, for anything done in obedience to any warrant under the seal of any justice of the peace, until demand hath been made of him to return the same, at the usual place of his abode, by the party or parties interested in such action, or by his, her, or their attorney or agent, in writing, by the party demanding the same, of the perusal and copy of the warrant, and the same hath been refused or neglected for three days after such demand, &c. (See this enactment, and the notes on it, title "Constable," Vol. I.)

Returning the
warrant.

VI. Forms.

*Forasmuch as proof upon oath hath been made before me, J. P., (4.) Form of back-
ing or Indorsement on warrant.*
*One of her majesty's justices of the peace for the said county of , that the name J. P. is of the handwriting of the justice of
this mentioned, I do hereby authorize A. C., who bringeth to me
, and all other persons to whom the said warrant is directed, to
name within the said county of . Given under my hand, the
f , in the year .*

I. *The Duty, &c. of Watching at Common*

Watch and ward.

WATCHING is properly intended of the night, and w
day-time. (*Dalt. c. 104.*)

By individuals in
general.

It seems to be agreed that every inhabitant is bound to
his turn, or to find another. (2 *Haw. c. 13, s. 4*; *Co. Lit.*
204.)

But they are not compellable to watch at the will of the
only when their turn cometh; which was the ancient cus
law. (*Dalt. c. 104.*)

And the watching and warding ought to be by men ab
sufficiently weaponed. (*Id.*)

And therefore a woman required to watch may procure
for her. (*Comb. 243.*)

By the constable.

There is a watch that may be kept by the constable,
times; as by the 5 Edw. III. c. 14, for night-walkers, and
cious by night or day. (2 *Hale*, 97.)

And, although a constable be not bound to any precise
kind of watch, nor punishable if he omit it, barely for the
be ready upon occasion to do his office when required in the
is in his power to hold such watches as often as he please
venient and justifiable; and herein the watchmen are the
assistants of the constable, and are under the same prote
and may act as he doth. (2 *Hale*, 97.)

Yea, it is holden that every private person may, by th
arrest any suspicious night-walker, and detain him till
account of himself. (2 *Haw. c. 13, s. 6*; 2 *Inst. 52*; *Law*
3 *Taunt. 14*; also title "Vagrants," ante. See "Arrest,"

There is also another kind of watch, which is by autho
tices of the peace, which also may be held at any time;
thus appointed hath the same power as either of the fo
seems to be within the power of any one in office, by the

By justices.

wards, see "Rewards," Vol. V.)

not refuse to watch in his turn at the commandment of the latter may present the default at the assizes or sessions, or in thereof to any justice of the peace, who may bind the he good behaviour, and so over to the next sessions. (*Dall. c.* he may be indicted for the refusal. (2 *Haw. c. 13, s. 4, ante,* "Vol. I.)

it is to be noted, that in *Stretton v. Browne*, (Cro. Eliz. 204,) Justice cites for his authority in this matter, it is not said that may bind him to the good behaviour, but only thus,—that he punishment upon the refuser.



Watching and Lighting, as regulated by Statute.

thing and the powers and duties of the police in London and "Police," Vol. V.

ching and lighting in boroughs, &c., under the Municipal Act, see "Corporations," Vol. I.

: 3 & 4 Will. IV. c. 90, intituled "An Act to repeal an Act of Year of His late Majesty King George the Fourth, for the Lighting of Parishes in England and Wales, and to make other Pro-
m thereof," (28th August, 1833,) a variety of provisions is e watching and lighting of parishes by the appointment of and patrols, &c., who are to be sworn in and have the power s; but the act does not make it compulsory on parishes to provisions, and if adopted the provisions may be abandoned ears by a simple majority of the rate payers; see sect. 15.

. Reciting, "Whereas an act was passed in the eleventh year of his late majesty king George the Fourth, intituled 'An Act to ion for the Lighting and Watching of Parishes in England and whereas doubts have arisen as to the construction of some of is of the said act, and it is expedient that the said act should and that other provisions should be substituted in lieu is enacted, "That from and after the passing of this act the ed in the eleventh year of the reign of his said late majesty

No. 1 of 11 vols.

2. By Statute.

3 & 4 Will. IV.
c. 90.

Inspectors under
former act to con-
tinue to act until
others appointed.

Act applicable to
all parishes in
England and
Wales.

On application of
three rated inha-
bitants, church-
wardens to con-
vene a meeting in
vestry to deter-
mine whether the
provisions of this
act shall be
adopted.

Chairman to be
elected, who shall
determine any
controversies.

Chairman to read
requisition, and
require persons
to determine
whether act shall
be adopted.

If meeting deter-
mine to adopt
this act, the pro-
visions thereof
shall thenceforth
take effect.

Inhabitants to fix

Sect. 3. Provided always, "That the inspectors appointed by the authority of the said recited act shall continue to act, and have the same powers, authorities, and be subject to the discharge of duties as the inspectors to be appointed under the authority (As to the mode of electing inspectors, see post, s. 18, &c.)

Sect. 4. And whereas it is desirable to make provision for the watching of the several parishes in England and Wales; be it enacted, "That this act, and the several provisions thereof, shall apply to be adopted, under and subject to the regulations herein contained or any or either of the parishes in England and Wales." (See 72 and 73.)

Sect. 5. "From and after the passing of this act, upon the writing of three or more of the rate-payers of any parish lawfully for the churchwardens thereof, and they are hereby within ten days after the receipt of such application as aforesaid to appoint and notify a time and place for a public meeting of the rate-payers of the said parish, for the purpose of determining the provisions in this act contained shall be adopted and carried into execution in the said parish: Provided always, that the time of holding the said meeting shall not be less than ten days than twenty-one days from the time of the said application delivered to them as aforesaid, and that notification of the time of meeting shall be made by forthwith affixing a notice on the outer door of every parish church or chapel situate within or on the usual place of affixing notices relating to the parish of any such parish, and also by publication of the same in the church or chapel on the Sunday previous to the day appointing such meeting, during or immediately after divine service. Forms, Nos. 4 and 5. See post, sect. 14, as to who are the "Rate-Payers.")

Sect. 6. "That such person as may be elected by the rate-payers shall preside as chairman at such meetings; and that if any question shall arise at any such meeting as to the qualification or right of eligibility of any person claiming to vote, or as to the qualifications of any candidate, such controversy shall be determined by the chairman presiding at such meeting." (As to the qualifications and inspector, see ss. 14, 17.)

Sect. 7. "The chairman who shall preside at any meeting herein directed shall read or cause to be read the requisition for the meeting shall have been summoned, and shall require the assembled thereat to determine by majority of votes, as hereinafter provided, whether the provisions of this act, as herein set forth, shall be adopted and acted upon within such parish: Provided that it shall be lawful for the majority of the rate-payers to journ such meeting from time to time."

Sect. 8. "If at any such meeting it shall be determined by a majority consisting of two thirds (a) of the votes of the rate-payers of such meeting, that the provisions of this act shall be adopted, in such case such provisions shall from thenceforth take effect into operation in such parish; and it shall forthwith be determined by a certain number, not being more than twelve nor less than six inspectors, shall be elected to carry such purposes into effect. The number of inspectors so determined upon shall be elected as herein-mentioned." (See post, Forms, Nos. 4 & 5, and sect.

Sect. 9. "The rate-payers of such parish shall at their first

(a) This majority is required only at the original meeting here mentioned, for determining as to the adoption of the act, and as to the amount which the inspectors shall have power to call

for in any year; a less number suffice at other meetings frequently. (See Beechey M. & Wels. 65, post, 37)

*churchwardens of this parish [insert the name of the parish] having Form of notice.
a demand for a poll, duly signed according to the provisions of an act
with year of the reign of King William the Fourth, intituled An Act,
setting out the title of the act], the rate-payers of this parish of [insert
of the parish] are hereby required, all and each of them, on the*

*next, and the following day, to signify to the said churchwardens,
written, either printed or written, or partly printed or partly written,
and delivered to one of the churchwardens at [insert here the place],
as for or against the adoption of the aforesaid act, or so much
as relates to watching or lighting [as the case may be], the amount of
money to be raised in the succeeding year for the purposes thereof, being
set the sum agreed on at the meeting], and the number of inspectors to
be [insert the number also agreed on], such sum and such number of
inspectors being fixed and determined upon at a meeting of the rate-payers called
to the said act."*

(Signed)

Churchwardens."

11. "The said declaration shall be to the following effect."

*I, R., of Street [or 'place' or 'house'] in this parish of Form of declara-
tion ['for' or 'against,' as the case may be], the adoption of the act of ton.
the year of the reign of his majesty King William the Fourth, intituled
An Act [set out title of the act], or so much thereof as relates to watching
and lighting [as in the notice], the amount of the money to be raised in the suc-
ceeding year for the purposes thereof, being [as in notice], and the number of
inspectors to be elected [as in notice]."*

12. "The said churchwardens shall carefully examine the votes Churchwardens
delivered as aforesaid, and shall compare them with the last rate to examine the

Expenses incurred by church-wardens to be paid out of poor rates.

Rate-payers may inspect votes.

No person to vote unless he has been rated one year.

Notice of adoption of this act

to be affixed on church door.

Act may be abandoned.

Provided also, that the expenses incurred by the churchwardens in such meeting, giving the notices as aforesaid, and in poll, shall be paid out of the rate collected for the relief of the said parish."

Sect. 13. Provided always, "That any of the rate-payers of the said parish, not exceeding five together, may inspect, at or in any room, or in some convenient place within the same parish, hereby empowered to inspect the votes so given for and against the adoption of this act, with the sum to be raised, and number of inspectors to be elected as aforesaid, at all seasonable times within one month after notice shall have been given; and the churchwardens of the said parish are hereby required carefully to preserve the said votes, and to permit and allow the examination thereof by the aforesaid persons in the said parish at all seasonable times within the period aforesaid."

Sect. 14. "No person shall be deemed a rate-payer, or vote, or do any other act, matter, or thing, as such, under the provisions of this act, unless he or she shall have been rated to the poor for the whole year immediately preceding his or her voting, as such rate-payer, and shall have paid all the personal taxes and assessments due from him or her at the time of his or her acting, except such as have been made or become due within three months immediately preceding such voting."

Sect. 15. "Notice of the adoption of this act, (or any notice specifying it,) with the amount of the sum to be raised in the year, and the number of inspectors to be elected by any parishioners, forthwith given by the churchwardens for the time being of the said parish by affixing a notice of the same to the principal church and chapel within the said parish, or on the usual places of public assembly, and notices relating to the parochial affairs of such parish; and the provisions of this act shall from thenceforth take effect in operation in such parish: (see post, Form No. 11:) Provided, however, that it shall be lawful for the inhabitants present at any meeting herein directed, at any time after the expiration of six months from the time when the provisions of this act shall have been determined, to determine that the provisions of this act shall, from and after the time fixed upon at such meeting, cease to be acted upon: in which case,

is been adjourned, or sooner, provided all persons duly qualified to vote shall have voted, and after the lapse of one hour without person offering to vote; and as soon after the close of the poll as possible the result thereof shall be declared at the place where the may have been holden, and certified by the chairman to the Master of the poor; (see post, Form No. 397,) and the said churchwardens shall be reimbursed all such reasonable charges and expenses as incurred in providing clerks and books, and otherwise in the discharge of the duties hereby required of them by the candidates at the election for the said office: Provided nevertheless, that if the provisions of this act are adopted at the meeting first called for that purpose, two inspectors may be appointed at the same time by the ratepayers of such parish then present, unless a poll should be demanded, in which poll should be demanded it shall be proceeded with as herein follows:

18. "In every parish adopting the provisions of this act the inspectors may be appointed at the first meeting.

At the end of twelve months the inspectors to give notice to churchwardens that they are ready to produce their accounts, and

shall, within one month next after the expiration of twelve calendar months from the day of such adoption, give notice to the churchwardens of the said parish that they are ready to produce their accounts for the previous year, and thereupon the said churchwardens shall, in due notice, in the manner required with respect to the first

At the end of twelve months the inspectors to give notice to churchwardens that they are ready to produce their accounts, and

in the event of the meeting not being held in less than a year from the period of the adoption of the provisions of the act, it will be proper that the chairman shall give notice to the churchwardens with respect thereto, that no other meeting

may be held in less than a year from that period. The form may be easily drawn up from that referred to at section 9. (See Mr. Tidd Pratt's publication on this Act, with notes, p. 10).

2. By Statute. meeting to be held under this act, that a meeting of the rate-payers of the said parish will be held at an hour and place in the said parish to be mentioned, on some day, not being a Sunday, within ten days after the receipt of such notice, for the purpose of the said inspectors producing such accounts and vouchers, and for the election of inspectors for the execution of this act, and for determining the amount of money to be raised for the purposes of this act, for the current year and every future year such meeting shall, for the purposes aforesaid, be held on the same day in the corresponding month, except such day as may be a Sunday, and then on the day following." (See post, Form No. 19.)

churchwardens to call a meeting for that purpose.

Meetings in successive years.

Inspectors at such meeting to produce accounts; one third of them to go out of office, and others elected.

Outgoing inspector eligible to be re-elected.

Chairman to decide questions as to eligibility, &c.

How vacancies in the number of inspectors shall be filled up.

Inspectors to meet monthly.

Rated inhabitants may prefer complaints.

Special meetings of inspectors.

Quorum.

meeting to be held under this act, that a meeting of the rate-payers of the said parish will be held at an hour and place in the said parish to be mentioned, on some day, not being a Sunday, within ten days after the receipt of such notice, for the purpose of the said inspectors producing such accounts and vouchers, and for the election of inspectors for the execution of this act, and for determining the amount of money to be raised for the purposes of this act, for the current year and every future year such meeting shall, for the purposes aforesaid, be held on the same day in the corresponding month, except such day as may be a Sunday, and then on the day following." (See post, Form No. 19.)

Sect. 19. "At such annual meeting the said inspectors shall produce their accounts and vouchers of all monies received and paid by this act for the previous year; and a duplicate or copy of such accounts verified on oath before any two justices by the said inspectors, and shall be deposited with the said inspectors, and shall be subject at all reasonable times to the inspection of all parties interested. At such annual meeting one third of the inspectors, or as nearly as the number appointed will admit of, shall go out of office, and in place of such inspectors so going out of office a like number of other inspectors shall be elected: Provided always, that any inspectors so going out of office shall be re-eligible, and may be re-elected, such case continue to act and remain in office, any thing here to the contrary notwithstanding."

Sect. 20. "The chairman appointed to preside at such annual meeting shall proceed in such manner as the chairman at the first meeting held under this act is hereinbefore directed to proceed at the said annual meeting: The inspectors to be first appointed for the execution of this act shall decide on questions which may arise as to the eligibility or disqualification of any person whatsoever, and as to all matters whatsoever connected with the said election, and shall declare the result of the same aforesaid."

Sect. 21. "In case any inspector shall die, or become disengaged from the parish or otherwise, or shall neglect to act, at any casual vacancy happening in any manner whatever, so that the number of inspectors shall be reduced to less than three, notice shall be given by the acting inspectors to the churchwardens of the parish, who shall forthwith, in the manner directed by this section, meet at the first Monday in every month, at noon, at some place or office previously publicly notified; and at such meeting it shall be lawful for any inhabitant rated to the relief of the parish, to appear there, and prefer any matter of complaint he may think proper to make concerning any matter or thing done or suffered in the parish or in pursuance of or under pretence of the provisions of this section."

Sect. 22. "The inspectors for executing this act in any parish shall meet on the first Monday in every month, at noon, at some place or office previously publicly notified; and at such meeting it shall be lawful for any inhabitant rated to the relief of the parish, to appear there, and prefer any matter of complaint he may think proper to make concerning any matter or thing done or suffered in the parish or in pursuance of or under pretence of the provisions of this section."

Sect. 23. "Such inspectors shall meet at all other times as at any previous meeting shall be determined upon; and it shall be lawful for any one inspector, when three inspectors have been appointed, and in all other cases for any two inspectors, writing under his or their hands, to summon, upon at least twelve hours notice, the inspectors for any special purpose therein mentioned, for such time as shall be therein named; and that at all meetings of inspectors any number not less than one third of the whole number of inspectors shall have been appointed, and

(a) The resolution of a simple majority of the rate-payers voting at this meeting, or in case of a poll being demanded, of the rate-payers voting upon it, is sufficient to determine the amount to be raised for the purpose of

the act in a subsequent meeting for a majority of the rate-payers present in the case of the original meeting under sect. 9, ante, 372. Quenby, 10 M. & Wels.

y virtue of or for the purposes of this act, and of how much shall have been expended and disbursed, and for what purposes, with proper vouchers for such payments; and that every such shall pay all such monies as shall remain due from him to the r for the time being, or to such person or persons as the said in- shall appoint to receive the same; and if any such treasurer, Proceedings against officers neglecting to account. n other person shall refuse or neglect to make and render such , or to produce and deliver up the vouchers relating to the same, ike payments as aforesaid, or shall refuse or wilfully neglect to o the said inspectors, or to such person or persons as they shall to receive the same, within three days after being thereunto re- y the said inspectors by notice in writing (*see post*, Form No. 17), e hands and seals of any two or more of the said inspectors given t at the last or usual place of abode of such officer, all books, and writings in his custody or power relating to the execution of or to give satisfaction to the said inspectors, or such other per- sons as aforesaid, respecting the same, then, and in every such on complaint made by the said inspectors, or by such person or Complaint may be made to justices. as they the said inspectors shall appoint for that purpose, of any

r. Tidd Pratt, in his publica- per that on the appointment of every his act, observes (p. 15), that treasurer a notice of his name and overseers are bound to pay the place of residence should be sent to the mentioned in the inspector's overseers.
the treasurer, it would be pro-

2. By Statute. such refusal or wilful neglect as aforesaid, to any justice such justice may and he is hereby authorized and required to mons under his hand and seal for the officer so refusing or appear before two justices of the peace; and upon the said c ing, or having been so summoned and not appearing sufficient and reasonable excuse, or not being found, it sh for the said justices to hear and determine the matter in a s and if, upon confession of the party, or by the testimony of witness or witnesses upon oath (which oath such justices are powered to administer,) it shall appear to such justices tha remain due from such officer, such justices may and the authorized and required, upon non-payment thereof, by w their hands and seals, to cause such money to be levied by sale of the goods and chattels of such officer; and if n chattels of such officer shall be found sufficient to answer a said money, and the charges of distraining and selling the s chattels, or if it shall appear to such justices that such office or wilfully neglected to render and give such account, or t vouchers relating thereto, or that any books, papers, or wrin the execution of this act remained in the hands or in the cus of such officer, and he refused or wilfully neglected to deliv tisfaction respecting the same as aforesaid, then and in ev such justices shall and they are hereby required to commit to the common gaol or house of correction for the county where such offender shall be or reside, there to remain, w mainprize, until he shall have given a true and perfect acc said, or until he shall have paid such monies as aforesaid, or with the said inspectors for such money, and shall have p position in such manner as they shall appoint, (which co said inspectors are hereby empowered to make and receive, shall have delivered up such books, papers, and writings, i faction in respect thereof, to the said inspectors, or to such or persons as aforesaid; but no such offender shall be ke in such common gaol or house of correction, for want of tress, by virtue of this act, for any longer space of thi calendar months."

Money may be levied by distress.

If no goods, &c., offender may be committed to gaol, &c.

Inspector may compound.

Not to be im-
prisoned for longer
than three
months.

Commitment of
offender not
to discharge his
sureties.

Officers taking
any fee or reward
besides the salary,
&c. appointed to
forfeit 50l.

No inspector to hold office of trust under this act.

Penalty of 50l.

Inspectors may sue and be sued in the name of any one of them.

Sect. 27. "No prosecution or commitment, under the this act, of any treasurer or other officer or person to be at the powers of this act, shall acquit or discharge any sum that shall or may have been taken by or given to the said the due and faithful execution of his or their office, or the monies received or to be received by him or them respecti

Sect. 28. "If any person who shall be employed as tre other officer or servant who shall be in anywise employed spectors for putting this act or any of the powers thereof shall exact, take, or accept any fee or reward whatsoever o salaries, allowances and rewards as are appointed by this s appointed, allowed, and approved of by the said inspect account of any thing done or to be done by virtue of this account whatsoever relative to putting this act into executi anywise be concerned or interested in any bargain or cont be made by the said inspectors; and no person during the the office of inspector, shall accept or hold any office or created by virtue of this act within the said parish, or shall directly or indirectly in any contract with the said paris person so offending shall be incapable of ever serving or b under this act, and shall over and above forfeit the sum person or persons who shall sue for the same."

Sect. 29. "That the said inspectors may sue and be sued any one of the inspectors for the time being; and all action may be necessary or expedient to be brought for the recov

all be lawful for them, or any two or more of them, from time to time ~~sue ad~~
~~issues an order under their hands to the overseers of the poor of any~~ ~~overse~~
~~rish to which the provisions of this act shall be extended, by which~~ ~~ment~~
~~for it~~ ~~of it~~

2. *By Statute.* order they shall require the said overseers to levy the amount mentioned in the said order." (See post, Form No. 18).

3 & 4 Will. IV.

c. 90.

Power to collect rates.

Owners, &c., of houses and land, in what proportion to be rated.

Land and houses to be rated separately.

Land, &c. not to be assessed higher than in last poor rate.

Succeeding overseers to collect rate if same not levied;

and to have same powers, &c. as their predecessors.

Overseers to pay amount to treasurer within three months from delivery of order.

Sect. 33. "The overseers aforesaid shall, for the purpose of collecting, raising, and levying the rate necessary for the purposes of this act, proceed in the same manner, and have the same powers, remedies, and privileges, as for levying money for the relief of the poor in the said parish: Provided always, that owners and occupiers of houses, buildings, and property (other than land) rateable to the relief of the poor in such parish shall be rated at and pay a rate in the pound three times greater than that at which the owners and occupiers of land shall be rated at and pay for the purposes of this act: Provided also, that the amount of the sum to be collected, raised, and levied for the purposes of this act within any one year shall not exceed such sum as shall have been agreed on by the inhabitants of the said parish as aforesaid, and that the said sum shall be assessed upon the full and fair annual value to which lands, houses, buildings, and other property within the said parish may be rated or shall be rateable according to the last valuation made and acted upon for the rate for the relief of the poor within the said parish."

Sect. 34. "Provided always, that it shall be lawful for the overseers of the poor of any such parish, and they are hereby required, whenever according to the rate made for the relief of the poor, one and the same person shall be rated in one sum in respect of land, and also of houses, buildings, and other property, to cause such land, and also such houses, buildings, and other property, to be separately assessed, and the person hereby authorized to be levied shall be assessed accordingly: Provided always, that every court-yard, yard, or garden (such garden not being market garden or nursery ground) shall be included in and make part of the assessment to be made on the house, buildings, or other property to which they may be respectively attached: Provided also, that no land, houses, buildings, and other property, shall not in the whole be assessed at a higher amount than they were in the last rate made for the relief of the poor within the said parish."

Sect. 35. "If the overseers of the poor of any parish adopting the provisions of this act shall go out of office before they shall have collected or levied the amount mentioned in the order issued under the hands of the said inspectors in pursuance of this act, they shall deliver to the succeeding overseers, within seven days from the time they go out of office, a full and particular account in writing of the names of the parties from whom any money may be due on account of the rate made in pursuance of this act, as well as the last order issued to them by the said inspectors; and in such case the succeeding overseers shall have like powers and remedies under this act for the collecting and recovering thereof, and shall be liable to the same penalties and forfeitures in case of the non-payment to the said inspectors, as their predecessors were liable to."

Sect. 36. "The overseers of the poor of every parish adopting the provisions of this act, to whom any such order as aforesaid shall be issued, shall pay over the amount mentioned in such order to the treasurer to be appointed in the said parish under this act within three calendar months from the delivery of such order to one of the overseers, and shall keep the accounts of the said rate levied for the purposes of this act separate and distinct from the accounts of the rates levied in the same parish for the relief of the poor; and at the time of making any payment to

(a) A watching and lighting act authorizes the commissioners to make a rate upon all persons inhabiting, using, or occupying any houses, shops, mills, sheds, or other buildings or tenements within the township. Held, that sheds erected to protect engines for the more

convenient working of a coal mine were rateable, although it was contend that they were exempt, as being mere accessory to the engines. (Brown Granville (Lord), 3 M. & Scott, 40 10 Bing. 69, S. C.)

r the said overseers shall deliver to him a note in writing 2. *By Statute.*
 (No. 19,) signed by them, specifying the amount so paid,
 shall be kept by the treasurer as a voucher for his receipt of
 ar amount; and the receipt of the said treasurer, specifying
 paid to him by the overseers, shall be a sufficient discharge
 rseers for such amount, and shall be allowed as such in
 ir accounts with their respective parishes." (See post, Form

3 & 4 Will. IV.
 c. 90.

Receipt of trea-
 surer to be a dis-
 charge to over-
 seers.

"Where any persons other than the overseers of the poor
 virtue of any office or appointment be authorized and required
 and collect or cause to be collected the rate for the relief of the
 ny parish to which all or any of the provisions of this act shall
 led, such persons, by whatsoever title they may be called, shall
 d to be overseers of the poor within the meaning of this act,
 e included under and denoted by the words 'overseers of the
 r all the purposes of this act, as fully as if they were commonly
 known by the title of overseers of the poor."

Where other per-
 sons are autho-
 rized to collect
 poor's rates, such
 persons to be
 deemed over-
 seers.

38. "In case the amount directed by such order as aforesaid to
 by the overseers in any parish, to which all or any of the pro-
 of this act shall be extended, shall not be paid to the said treasurer
 the time specified for that purpose, in the said order, any justice
 peace, upon complaint thereof made to him by the said treasurer,
 ny one of the inspectors, may, and he is hereby authorized and
 ed, to issue a summons under his hand and seal for the said
 ers so refusing or neglecting to pay such money as aforesaid to
 before two justices of the peace; and upon the said overseers
 ring, or having been so summoned and not appearing, without some
 ent and reasonable excuse, or not being found, it shall be lawful for
 id justices, and they are hereby required, in case the said money
 t paid, to issue their warrant for levying the amount, or so much
 of as may be in arrear, by distress and sale of the goods of all or any
 e said overseers; and in case the goods of all the overseers shall not
 ficient to pay the same, the arrears thereof shall be added to the
 nt of the next levy which shall be directed to be made in such parish
 le purposes of this act, and shall be collected by the like method."

Overseers may be
 distrained upon
 for non-payment.

If goods be not
 sufficient, &c.,
 arrears to be
 added to amount
 of next levy.

39. "The said inspectors shall from time to time appoint and em-
 such number of able-bodied watch-house keepers, serjeants of the
 h, watchmen, patrols, street-keepers, and other persons as they shall
 : sufficient for the proper protection of the inhabitants, houses,
 property, streets and other places within the limits of this act, by
 or by night, or by day and by night, and provide for the use of all
 watchmen, watch-house keepers, serjeants of the watch, patrol, and
 ns as aforesaid, such clothing, arms, ammunition, and weapons, and
 assign to them such beats and rounds and duties, and appoint
 hours for them to be on duty, and also such wages, rewards, and
 uities, or remunerations for their services, and also make such rules,
 rs, and regulations relative to such watch-house keepers, serjeants
 he watch, watchmen, patrol, street-keepers, and other persons, and
 r duties, as to the said inspectors shall seem meet, and also shall
 may offer and give, as well to the said persons as to any other not
 tally employed by them, such gratuities and rewards for apprehending
 os and others, offenders within the limits of this act, as to them shall
 n proper; and shall and may defray the expenses of prosecuting any
 a felons and offenders, for the protection of the inhabitants of any
 sh adopting the provisions of this act, or in defending any of the
 l persons or other officers of the said inspectors in the execution of
 r duty, as they shall think proper; and the said wages, rewards,
 uities, and the costs of such prosecutions or defences, and all other
 enses that may be incurred by the said inspectors for the protection
 guard of the inhabitants, shall and may be paid by the said inspectors
 of the monies received in pursuance of this act.

Watchmen, &c.
 to be appointed,
 and provided
 with arms, cloth-
 ing, &c.

Inspectors
 defray expe-
 prosecuting
 ions, &c.

Expenses
 be paid o'
 monies re-
 under ac'

2. By Statute.

3 & 4 Will. IV.
c. 90.Watchmen, &c.
to deliver up
clothing on re-
moval, &c.

Penalty.

Duty of watch-
men, &c. to pre-
vent robberies,
&c.to apprehend
felons, &c.may require per-
sons to aid and
assist them.Penalty for as-
saulting, &c.:
watchmen.Watchmen, &c.
to be sworn in,
and to have the
power of consta-
bles.Not to gain a set-
tlement thereby.Certain fees to be
paid over to in-
spectors.

Sect. 40. "All such clothing, arms, ammunition, and provided for the use of such watchmen, watch-house keeper of the watch, patrol, and persons as aforesaid, shall remain the property of the inspectors for the time being, and i resignation, removal, or death of any such watchmen, keeper, serjeant of the watch, patrol, or person as afor returned to the said inspectors; and in case of neglect e do, the said watchmen, watch-house keeper, serjeant of the or person as aforesaid, or in case of his death the party thereof, shall be subject and liable to a penalty not exceed of 20*l.*, to be recovered for the use of the said inspectors."

Sect. 41. "The watchmen, serjeants of the watch, patr persons to be appointed by virtue of this act shall, during shall be on duty, use their utmost endeavours to prevent a fire, and also to prevent all robberies, burglaries, and oth misdemeanours, and other outrages, disorders, and breach within the limits of the parish adopting the provisions of to apprehend and secure all felons, rogues, vagabonds, persons who shall disturb the public peace, or any person con dering, secreting, or misbehaving himself, herself, or whom they shall have reasonable cause to suspect of any ev to secure and keep in safe custody every such person, in o she may be conveyed as soon as conveniently may be before majesty's justices of the peace, to be examined and dealt to law; and it shall and may be lawful to and for the serjeants of the watch, patrols, and other person or persons as aforesaid, to call and require any person or persons to them in taking such felons, rogues, vagabonds, and all dis pected persons as aforesaid; and in case any person or assault or resist or shall promote or encourage the assault any of the watchmen, serjeants of the watch, patrols, or c persons so appointed as aforesaid in the execution of the such person shall for every such offence forfeit and pay an ceeding 40*s.*; and in case any such offender shall not, on the said forfeiture, such justice is hereby required to con or them to the house of correction, there to be kept to ha said justice shall so order, for any time not exceeding months, unless such forfeiture shall be sooner paid; or if mitting the said offender as aforesaid, the said justice m under his hand and seal, cause the said forfeiture, as well any) to be levied by distress and sale of the goods and offender, returning the overplus (if any) of the money raise after discharging the said forfeiture and the costs an recovering and levying the same, to the owner of the goo so seized and distrained."

Sect. 42. "All watchmen, serjeants of the watch, and j sworn in as constables before any justice of the peace, a while in execution of the powers and authorities of this are hereby invested with and shall have and enjoy the like authorities, privileges and immunities, and shall be sub to such and the like penalties and forfeitures, as any constables is or are invested with, or shall or may have is or are or shall be subject or liable to by law: Provides that no person by being sworn in and acting as or office of a constable shall thereby gain a settlement in For the powers and duties of a constable in general, see Vol. I.

Sect. 43. "In all such cases in which any of the duties formed by constables shall have been executed by any appointed by the inspectors as hereinbefore enacted, all f ances for the performance of such duties shall be paid o

ier or occupiers for the time being of such dwelling-house
houses, manufactoryes, public or private buildings respec-
enable any body or bodies politic or corporate, or person or
acting with the said inspectors for lighting such streets and
to enter into or upon any private lands or grounds, with-
out in writing of the owner or owners, occupier or occupiers
or grounds for that purpose first had and obtained."

Provided also, that in case the soil, pitching, or pavement
way, for the purpose of laying any gas main or gas pipe
or across the same, be broken up with the consent of the
ers of the soil for the time being, and after the same shall
laid and placed, such owner or owners shall be desirous of
me removed, it shall be lawful for such owner or owners at
imes thereafter, if he, she, or they shall deem it necessary
at his, her, or their own costs and charges, to alter and vary
f such pipe or pipes, main or mains, and to relay the same,
nage be done thereby to the said body or bodies politic or
person or persons contracting with the said inspectors, and
body or bodies politic or corporate or person or persons
th the said inspectors as aforesaid be not thereby prevented
ected in lighting any public or private lamp, unless such
struction be unavoidable."

Whenever any gas shall be found to escape from any of the
hall be laid down or set up by order of the said inspectors
of this act, the body or bodies politic or corporate, or per-
• whosoever making, furnishing, or supplying any gas used
ghting any highway, street, or place, or any houses, manu-

Owners of private
grounds may alter
position of pipes.

For stopping the
escape of gas.

the time of giving any such notice, during which the gas shall be liable to escape as aforesaid; which penalty shall from time to time be recovered, with all reasonable charges, by distress and sale in a summary way, on the oath or affirmation of one or more witnesses or witnesses, before any two justices of the peace, or other person or persons as aforesaid, by the warrant of any two justices of the peace as aforesaid, to be granted in like manner and subject to the same provisions as are herein directed touching other penalties to be paid by virtue of this act."

Power to convey away washings of gas works.

Sect. 49. "It shall be lawful for the body or bodies politic or other person or persons whosoever, making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises within the limits of any parish adopting the provisions of this act, to lay iron pipes of such breadth, depth, and dimensions, and in such manner as they shall think expedient, under the roads, streets, and other public places within the limits of this act, for the purpose of carrying off the washings or other waste liquids which may arise in the prosecution of the works of the said body or bodies politic or corporate, or other persons aforesaid, doing as little damage as may be in laying the pipes, and immediately repairing, at their own expense, all such damage as may be done by such pipes, so that no such washings or other waste liquids, or any other thing made or arising in the manufacture of such gas, shall be suffered or conveyed into any river, brook, canal, or running stream, or no such pipe shall be laid in any situation where the same may in any manner interfere with, prejudice, or affect any present or future public or private wells, sewers, or drains within the parish adopting the provisions of this act, or without the consent of the said inspectors."

Penalty for conveying washings into any river, &c.

Sect. 50. "If any body or bodies politic or corporate, companies of proprietors, or any other person or persons whatever, making, furnishing, or supplying any gas used or burnt for lighting any highway, street, or place, or any house, manufactory, building, or other premises within the limits of any parish adopting the provisions of this act, at any time empty, drain, or convey, or cause or suffer to be empty, drained, or conveyed, any such washings or other waste liquids, or any other thing made or arising in the manufacture of such gas, into any river, brook, canal, or running stream, or into any present or future public or private wells, sewers, or drains within the parish adopting the provisions of this act, or without the consent of the said inspectors, then every such body or bodies politic or corporate, company of proprietors, or other person or persons, so offending, shall be liable to pay a fine of £100 for every such offence, to be recovered by distress and sale in a summary way, on the oath or affirmation of one or more witnesses, before any two justices of the peace, or other person or persons as aforesaid, by the warrant of any two justices of the peace as aforesaid, to be granted in like manner and subject to the same provisions as are herein directed touching other penalties to be paid by virtue of this act."

running, or flowing, in manner aforesaid, and every such nuisance, injury, damage, act, or thing, from being done or in every such case the said body or bodies politic company or companies of proprietors, or other person or persons, shall forfeit and pay the sum of 20*l.* for each and every washing, waste liquids, or noisome or offensive liquide, things, shall be so emptied, drained, conducted, or caused or suffered to run or flow in manner aforesaid, or such be, nuisance, injury or damage, act, or thing shall be so to be done as aforesaid; and such last-mentioned penalty be recovered and levied in such and the like manner as any forfeiture is in and by this act directed to be recovered shall be paid to the informer, or to the person or persons judgment of the justice before whom the conviction shall take place sustained any annoyance, injury, or damage by any such committed."

All and every the pipes or other conduits to be used or laid for the conveyance of gas, in, under, through, along, across, or round any other place within the limits of any parish adopting this act, shall be so laid at the greatest practical distance, the width of the carriage-way in such street or place will be at the distance of four feet at least from the nearest part of already laid down or hereafter to be laid down for the conveyance in, under, through, along, across, or round any of the streets, or other places within the limits of any parish adopting this act, excepting in cases where it shall be unavoidably necessary to lay the gas pipes across any of the said water pipes, in which case the pipes shall be laid over and above the said water pipes

Gas pipes to be
laid four feet
from water pipes,
and in a particu-
lar manner.

2. By Statute. at the greatest practical distance therefrom, and shall form right angle, and in such cases the said gas pipes so crossing water pipes shall be at least nine feet in length, so that no joint of the said gas pipes shall be nearer to any part of the said water pipes than four feet at least; and in laying down the said gas pipes the contractors or other persons supplying gas shall in no case joint gas pipes together previous to their being laid in the trench, but each pipe as near as may be in its place in the trench, and the trench properly form the jointing with the other pipes to be adjoined with proper and sufficient materials, and shall also make a joint and every such pipes, and all pipes connected and communicating with, and all the screws, joints, inlets, apertures, or openings respectively, air-tight, and in all and every respect prevent gas from escaping therefrom, upon pain of forfeiting for every sum of 5l."

To prevent escape of gas and contamination of water.

Sect. 52. "Whenever the water of any company of proprietors supplying the inhabitants of any houses within the limits of any of a parish, or place adopting the provisions of this act, with be contaminated by any of the gas used or burnt for lighting a street, or place, or any house, manufactory, building, or other within the limits of any parish, part of a parish, or place as provided by the provisions of this act, the body or bodies politic or corporate, persons making, furnishing, or supplying such gas, shall forfeit the sum of 20l., to be sued for and recovered and shall be applied for the use and benefit of the said company supplying water: and in case any such water shall be contaminated or affected in any way whatsoever, then and in every such case the said other persons making, furnishing, or supplying such gas within twenty-four hours next after the notice thereof in writing, to the treasurer or other officer of and for such water company as by any person making use of such water, to be left at the office of transacting business of the said body or bodies politic or corporate, or other person or persons, cause the most proper measures to be taken to stop and prevent gas from escaping from mains, works, or pipes, or contaminating or affecting the water company as aforesaid; and in case the said body or bodies politic or corporate, or other person or persons, making, furnishing, or supplying such gas shall not, within twenty-four hours next after such notice so given, effectually stop and prevent the gas from so escaping and satisfactorily remove the cause of every such complaint, all and every such contamination whereof notice shall be given, that then the said body or bodies politic or corporate, or other persons as aforesaid, shall on each and every complaint given to the treasurer or other officer for the time being of such water company as aforesaid, for the use and benefit of the same company, over and above the before-mentioned penalty of 20l., the sum of 10l. for each day during which the water of the said last-mentioned company and remain contaminated or affected by such gas; and in default thereof as aforesaid, such penalty or penalties shall be recoverable by information, to be exhibited on the oath of one credible witness and in the name of the treasurer or other officer for the time being of the said water company as aforesaid, or by and in the name of two or more of the directors of the said company, at the option of the person prosecuting such information against the said body or bodies politic or corporate, or other person or persons, making, furnishing, or supplying such gas, before any two justices of the peace, with costs, to be paid by such justices, and to be levied by distress and sale of the goods and chattels of the said body or bodies politic or corporate, or other persons making, furnishing, or supplying such gas, together with the expenses of such distress and sale, by warrant under the hand and signature of such justices, which warrant such justices are hereby empowered to issue."

use, or other person or persons as aforesaid, for the purpose whether such contamination proceed or be occasioned by said body or bodies politic or corporate, or other person or persons as aforesaid; and if it shall appear that the said water has been contaminated by any escape of gas as aforesaid, the costs and expenses of search, and examination, and of the repair of the pavements, street or streets which shall be taken up or disturbed, to be paid by the said body or bodies politic or corporate, or persons as aforesaid; which costs and expenses of digging, examination, shall be ascertained and determined, if necessary, as aforesaid, and be recovered in like manner as be recovered by virtue of this act. Provided always, that if such contamination it shall appear that such contamination has not proceeded from any escape of gas from any of the mains, pipes, or conduits, or other parts of such waterworks, then and in such case the said company of proprietors, managers and proprietors of such waterworks, shall bear and pay all the costs and expenses of such search, examination, and repair as may be necessary to ascertain the cause of such contamination, and shall also make good to the said body or bodies politic or other person or persons as aforesaid, any loss, injury, or damage which may be occasioned to the said mains, pipes, conduits, or other parts of such waterworks, by such contamination. And if it shall appear that such contamination has proceeded from any escape of gas from any of the mains, pipes, conduits, or other parts of such waterworks, then and in such case the amount of such loss, injury, or damage to be ascertained and determined by such search and examination, the amount to be recovered by the said body or bodies politic or corporate, or other person or persons as aforesaid, in and by such search and examination, the amount to be recovered by the said body or bodies politic or corporate, or other person or persons as aforesaid."

Provided always, That nothing in this act contained shall be construed to extend to prevent any person from proceeding otherwise against any of the officers, servants, or work- Persons supplying
gas liable to be
indicted for a
nuisance.

any action against any of the vicars, servants, or workmen or bodies politic or corporate, or other person or persons making, furnishing, or supplying any gas used or burnt for highway, street, or place, or any house, manufactory, building, or premises within the limits of any parish adopting the project, in respect of any works or other means which shall be used or any of them in making the said gas, and using the same with lights as aforesaid, as a public or private nuisance, or any action against the said body or bodies politic or

How recoverable.

How persons accidentally breaking lamps are to be dealt with.

Power for inspectors to contract for the works directed to be done by this act.

moiety shall be applied for the purposes of this act, and shall be recovered in the same manner as any forfeiture is by this before directed to be levied and recovered in the case of assaulting any watchman or other person in the execution of

Sect. 56. "If any person shall carelessly or accidentally break the said lamps, lamp irons, or lamp posts, or do any other such injury as hereinbefore is mentioned, and shall not, upon demand satisfaction to the said inspectors for the damage or injury so caused and may be lawful for any justice of the peace, upon any complaint made to him upon oath, to summon the party complained of, and bring the parties upon both sides, or on the non-appearance of the complained of, to examine the matter of complaint, and award money, by way of satisfaction to the said inspectors for such sum as such justice shall think reasonable; and in case of neglect or refusal to pay such money, then the same and all expenses attending the recovery thereof may be levied and recovered as any forfeiture is by this before directed to be levied and recovered in the case of assaulting any watchman or other person in the execution of

Sect. 57. "It shall and may be lawful to and for the said inspectors from time to time to enter into any contract or contracts with any person, company, or companies whatsoever, for lighting the said roads, and other places, or any of them, or any part thereof, with oil or with gas, or with any other material, or in any other manner whatsoever, or for furnishing lamps, lamp irons, lamp posts, lamp posts, chains, pales, rails, and other things necessary for the works aforesaid, or any materials for the same, which contract or contracts shall specify the several works to be done and the prices to be paid for the same, and the time or times when the works shall be completed, and the penalties to be suffered in cases of non-performance thereof, signed by two or more of the said inspectors, and also by the persons contracting to perform such works respectively, which contracts, or a copy or copies thereof, shall be entered in a book for that purpose; but no contract above the value or sum of £1000 shall be entered into, unless previous to the making of any such contract, notice shall be given in one or more of the public newspapers published in the county in which the said parish shall be situated.

the inspectors (in every case) to compound and agree ~~with the owner;~~
for any penalty incurred by him for the breach or
of any such contract, for such sum of money as the
shall think proper, not being less than the injury or
ed by the breach or non-performance of such contract,
charges, and expenses which shall be occasioned thereby;
awful for the said inspectors to cancel or make void any ~~or contract may~~
~~any person or persons whomsoever, by mutual consent, if~~ be cancelled.
proper."

the said inspectors may and they are hereby authorized and ~~Inspectors may~~
reat with the owner or owners and occupier or occupiers ~~purchase or rent~~
buildings, lands, and grounds, for the purposes of this ~~ground or build-~~
~~ing for the pur-~~
~~m or sums of money, or yearly rent, or for such time as~~ ~~poses of this act.~~
pear reasonable, (which sum or sums of money and yearly
spectively paid out of the monies to arise by virtue of this
ce or places as they may think proper.

he property of and in all lamps, lamp irons, lamp posts, ~~Property of lamps,~~
watch-boxes, posts, chains, pales, and rails in, about, or be- ~~&c. vested in the~~
aid streets and places within any parish or part of a parish
ovisions of this act, or any of them, and of and in all the
me, bricks, and other materials and furniture and things
nging thereto, (except when the same shall be otherwise
ntract with the said inspectors,) shall be and the same are
i the said inspectors, and may be sold and disposed of
as they shall think proper; and the money arising
r sales shall be applied towards the purposes of this act;
pectors are hereby authorized and empowered to bring or ~~Actions, &c. to~~
ight any action or actions in such name or names and in ~~be brought in~~
is provided, or to prefer or order and direct the prefer-
or bills of indictment against any person or persons who
or carry away (as the case may be) all or any part of such
ip posts, watch-houses, watch-boxes, iron, timber, and
urniture, posts, chains, pales, rails, or other materials and
id; and in all such actions or bills of indictment it shall
ed and taken to be sufficient to state generally that the
e, thing or things, for and on account of which such

~~name of inspec-~~
tors.

2. By Statute. 3 & 4 Will. IV.
c. 90.

Form of informa-
tion.

victed or prosecuted for any offence against this act shall and the information and conviction respectively to be drawn in the following, or in other words to the same effect; (that is to say,) :

"County } Be it remembered, that on the day of
of } informeth of his majesty's justice [or 'to wit.] the peace for the said of that of
of [here describe the offence, with the time and place
the act as near as may be], contrary to the provisions of an act
year of the reign of king William the Fourth, intituled
title of this act], which hath imposed a forfeiture of for the:
Taken the day of before .

Form of convic-
tion.

"County } Be it remembered, that on the day of
of } year of the reign of , and in the year of our Lord
to wit. } A. B. is convicted before of his majesty's
'justices'] of the peace for the said for [here specify the
when and where committed], contrary to the form of the statute
year of the reign of king William the Fourth, intituled [in
the title of this act] ; and do hereby declare and adjudge the
hath forfeited for the said offence the sum of [or 'a
mitted to for the space of , as the case may be].
hand and seal the day and year first above written."

Recovery and
application of
penalties.

Sect. 63. "All fines, penalties, and forfeitures inflicted or by this act, or by virtue of any rule or order made in pursuance mode of recovery whereof is not herein otherwise provided in case of non-payment thereof be recovered in a summary way, by adjudication of any two justices of the peace, on complaint that purpose exhibited, and afterwards be levied, as well as (any) of such proceedings, on non-payment, by distress and goods and chattels of the offender or respective offenders, or persons liable to pay the same, by warrant under the hands of such justices, who are hereby authorized and required to examine any witness upon oath or affirmation of and concerning offences, matters, and things, and to hear and determine the overplus (if any) of the money raised or recovered, after the fine, penalty, or forfeiture for which such warrant shall be issued, the costs and expenses of recovering and levying the same (if there be), shall be rendered to the owner or owners of the chattels so seized and distrained; all which penalties, not hereto be otherwise applied, shall be paid to the said inspectors treasurer, to be applied for such purposes of this act as the said justices shall order and direct, except in all such cases where the forfeiture shall be incurred by the said inspectors, and then the same shall be paid to the informer; and it shall be lawful for the said justices to order the offender or offenders so convicted to be detained in prison until return can be conveniently made to such warrant or distress, unless the said offender or offenders shall give sufficient security to the satisfaction of such justices, for his, her, or their appearance before the said justices, on such day or days as shall be appointed for the taking of such warrant or warrants of distress, such day or days not exceeding seven days from the time of taking such security, and hereby the said justices are hereby empowered to take by warrant or otherwise; but if upon the return of such warrants it shall appear that no sufficient distress can be had within the said penalty or penalties, and such costs as aforesaid shall not be forthwith paid, or in case it shall appear to the said justices, upon the confession of the offender or offenders, that he, she, or they have or hath not sufficient chattels whereupon such penalties, forfeitures, costs, and expenses may be levied if a warrant of distress were issued, such justices shall be required to issue such warrant of distress, and thereupon it shall

Penalties how ap-
plied.

Offender may be
detained till re-
turn made to war-
rant of distress.

If not sufficient
distress, &c.

em in pursuance of this act) liable to the payment of any of money as or by way of compensation or satisfaction in the such compensation or satisfaction is herein directed to be paid inspectors."

No inhabitant of any parish adopting the provisions of this inhabitants may be witnessed. Inhabitants may be witnessed.

incompetent witness in any action, suit, or infor-

aint, appeal, prosecution, or proceedings to be had, made,

carried on under the authority of this act."

provided also, "That if any person or persons shall find Appeal to the quarter sessions against order of inspectors, &c.,
it, or themselves aggrieved by any order, direction, or ap-
peal to any general or quarterly sessions of the peace to be
at the county, city, riding, borough, town, shire, division,
or in which the parish shall be situate, within four calendar months after cause of com-
plaint, &c.
after the cause of complaint shall have arisen, or if such be held before the expiration of one calendar month, then
all be made to the secondly succeeding sessions, either of
sessions is hereby empowered to hear and finally deter-
mine of the said appeal, and to make such order therein as to
meet, which order shall be final and conclusive to and
; provided that the person or persons so appealing shall
be given at least fourteen days' notice in writing of his, fourteen days' no-
tice in writing to be given to in-
tention of appealing as aforesaid, and of the matter or
to the said inspectors, or other the respondent or respond-
ent, and recognizance
hin five days after such notice shall enter into a recogni-
tion justice of the peace, with sufficient securities, conditioned and recognizance
at the then next general sessions or quarter sessions of to be entered into.
which shall first happen, and to abide the order of and pay
shall be awarded by the justices at such quarter sessions or
at thereof; and such justices, upon hearing and finally
such matter of appeal, shall and may, according to their
rd such costs to the party appealing or appealed against as
is proper; and their determination in or concerning the
be conclusive and binding on all parties to all intents and
never" *(See note Form No. 18 - as to appeals in general)*

2. By Statute. *have committed any such irregularity, trespass, or wrongful p before such action brought; and in case no tender shall have t it shall be lawful for the defendant or defendants in any such leave of the court where such action shall depend, at any time b joined, to pay into court such sum of money as he or they sha whereupon such proceedings, order and adjudication shall be : and given in and by such court as in other actions where the is allowed to pay money into court."*

Limitation of actions (a).

Notice of.

Tender of amends.

Venue.

General issue.

Double costs.

Proceedings not to be unlawful for want of form.

Certiorari.

Parishes may adopt only parts of act.

Limiting the powers of the act.

10 Geo. IV. c. 44.

Sect. 69. "No action or suit shall be commenced against an persons for any thing done in pursuance of or under the auth colour of this act, until twenty-one days notice has been give writing to the said inspectors, nor after sufficient satisfactio thereof has been made to the party or parties aggrieved, no calendar months next after the fact committed for which suc actions, suit or suits, shall be so brought; and every such act brought, laid, and tried where the cause of action shall have: not in any other county or place; and the defendant or defend actions or suits may plead the general issue, or give this act special matter in evidence, at any trial or trials which shall be upon; and if the matter or thing shall appear to have been do by virtue of this act, or if it shall appear that such action c brought before twenty-one days notice thereof was given as a if any action or suit shall not be commenced within the t limited, or shall be laid in any other county or place than a then the jury or juries shall find a verdict for the defendant or therein; and if a verdict or verdicts shall be found for any plaint or defendants, or if the plaintiff or plaintiffs in such action suit or suits, shall become nonsuit, or suffer a discontinua action or actions, or if, upon any demurrer or demurrs in or actions, judgment shall be given for the defendant or therein, then and in any of the cases aforesaid, such defendant shall have double costs, and shall have such remedy for the same as any defendant or defendants may have for his, l costs in any other case by law." [But now by the 5 & 6 Vict the defendant shall have only such costs taxed to him as v demnify him.]

Sect. 70. "No proceedings to be had and taken in pursu act shall be quashed or vacated for want of form, or be remov rari or any other writ or process whatsoever into any of h courts of record at Westminster or elsewhere." (As to cla description, see "Conviction," Vol. I.)

Sect. 71. "The provisions of this act may be adopted in either as to lighting or as to watching, or as to lighting and may be deemed expedient; and that the provisions of this adopted in any parish so far as the same relate to lightin such parish shall be watched under or by virtue of any act o passed for that purpose, and may be adopted in any parish s same relate to watching, although such parish shall be light by virtue of any act of parliament passed for that purpose."

Sect. 72. "Nothing in this act contained shall be construe to abridge, repeal, alter, amend, or interfere with the powe visions contained in an act made and passed in the tenth reign of his late majesty king George the Fourth, intituled improving the Police in and near the Metropolis,' or to ex

(a) As to clauses of this description in general, see "Justices," Vol. III. "Constable," Vol. I. See *Butler v. Ford*, 1 C. & M. 671. In *Burns v. Carter*, (3 M. & P. 1; 5 Bing. 429, S. C.,) it was held, that the time li mited for the commencement of actions

for any thing done in pur local paving act, was reg Metropolis General Pav Geo. III. c. 29, s. 136, w repealed the clause in th Liberty Paving Act, 52 Geo. s. 122.

ce already regulated by or under the provisions of any act of 2. *By Statute.*
or all the purposes hereinbefore provided for, or to interfere
vers which any corporate body may have with respect to ^{3 & 4 WILL. IV.}
d lighting." (See this act and schedule, title "Police," ^{c. 90.}

' It shall and may be lawful to and for the inhabitants of part Parts of parishes
may adopt the
provisions of this
act, to hold a meeting of the inhabitants of such part, to be con-
ner herein directed, and to be composed of such inhabitants
purpose of determining whether the provisions in this act
any of them, shall be adopted and carried into execution in
the said parish ; and that all such meetings shall be subject
all the clauses, regulations, and restrictions in this act con-
ect of meetings to be convened for the purpose thereof ; and
chwardens of the said parish shall act in the same manner
of the parish, the inhabitants of which may be desirous of
provisions of this act, for carrying the provisions of the
ct, as they could by virtue hereof act for the parish at large ;
overseers of the poor of the said parish, or of any township
the said parish, shall be amenable to the provisions of this
they may relate to the part of such parish situate within or
the division or district for which such overseers shall act,
se of levying, raising, and paying the rates within the part
h adopting the provisions of this act, in the same manner as
e if the whole parish, township, or place for which they act
the provisions of this act : Provided always, that no pro-
he said inhabitants, nor any rate to be raised or levied in
such proceedings, shall extend to any part of the said parish
ready be regulated by or under the provisions of any act for
in this act mentioned, nor interfere with the powers and
such act or the execution thereof in any respect what-

but not to inter-
fere with any
local act.

' It shall be lawful for any surveyor or other person or persons Surveyor of com-
missioners of sew-
ers may enter into
gas works, to see
if there be any
escape of gas, &c.
under the authority of commissioners of sewers, at any time
the daytime, to enter into any manufactory, gasometer, re-
er building belonging to any gas company or companies, or
ectors, in order to inspect and examine if there be any escape
washings or other waste liquids, substances, or other things
which shall arise or be produced in the prosecution of the
es, or in the manufacture or process of making or procuring
o any public sewer or drain ; and if such surveyor or other
sons acting by or under the authority of commissioners of
at any such time or times be refused admittance or entrance
manufactory, gasometer, receiver, or other building, for the
aking such inspection and examination as aforesaid, or on
ed shall be obstructed in or prevented from making such in-
examination as aforesaid, the said gas company or com-
e said inspector, so offending, shall forfeit and pay for every
the sum of 20l."

Provided always, " That nothing in this act contained shall Not to prejudice
the rights of the
commissioners of
sewers ;
deemed or construed to extend, to prejudice, diminish, alter,
any of the rights, powers, or authorities vested in commis-
wers, but all the rights, powers, and authorities vested in them
ood, valid, and effectual, as if this act had not been made."

Provided always, " That nothing in this act contained shall nor to affect the
Universities.
er or in any manner to affect any of the rights or privileges
rsities of Oxford or Cambridge, or any of the powers vested
r otherwise in the chancellors, masters, and scholars, and
ors, of the said Universities."

" The powers given to watch and light any parish shall be Construction of
act.
o be given to any wapentake, division, city, borough, liberty,
arket town, franchise, hamlet, tithing, precinct, and chapelry,

2. By Statute. or parts within the same; and that where the word ‘parish’ shall be understood to extend to any parts within the same; all powers given to a churchwarden shall be understood to be given to a chapelwarden, overseer, or other person usually calling any parochial business; and that the words ‘justice of the peace’ be understood to mean justices of the peace for the county, city, town, division, riding, shire, liberty, or place in which the power may adopt the provisions of this act shall be situate; and the ‘poyer’ to include all persons assessed to and paying rates for the poor.”

Public act.

Sect. 78. “This act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, juries, and others, without being specially pleaded.”

III. Forms.

(1.) Warrant for keeping of watch.

— } To the constable of the hundred of , in the said county,

At a general quarter sessions of the peace holden at , in the said county, before us, , esquires, justices of our lady the Queen keep the peace within the said county, and also to hear and determine felonies, trespasses, and other misdemeanours in the said county, we are hereby required forthwith to issue your warrant to the several constables within your said hundred, that they do cause watch to be kept and ward by day, with able men, within and throughout their respective bailiwicks, from the day of now next ensuing, unto the

then next following; and that they do apprehend, or cause to be apprehended, all rogues, vagabonds, and other wandering, idle, and disorderly persons, and carry them before some of her majesty’s justices of the peace in the said county, to be examined and further dealt withal according to law under our hands and seals the day and year first above written.

(2.) Commitment of a person apprehended by the watch.

— } To the constable of , and to the keeper of the house

Whereas A. O. was yesterday in the night taken by the watch constable of , wandering abroad, and lodging in barns, outhouses, and open air, and is this day brought before me, J. P., esq., one of the justices of our lady the Queen, assigned to keep the peace within the said county, now give a good account of himself before me. These are to require the said constable of , to convey the said A. O. to the said house at the time aforesaid, and to deliver him to the keeper thereof, together with a warrant. And I do hereby require you, the said keeper of the house aforesaid, to receive the said A. O. into your custody in the house of correction, and him there safely to keep to hard labour for (or) you him then there, together with this precept. Given under my hand at , in the said county, the day of , in the reign of

(3.) Indictment for not watching.

— (venue).—The jurors for our lady the Queen upon their oath, find that A. O., of , in the said county, yeoman, on the day of the year of the reign of , and long before and always, the day of the taking this inquisition, was and yet is an inhabitant of the town aforesaid, in the county aforesaid; and that the said A. O. there, to wit, on the said day of , in the year aforesaid, was duly summoned in his turn to the constable, of the town aforesaid, in the night of the same day; the said A. O., his duty in that behalf not regarding, did not watch the night of the same day in the year aforesaid, nor in any part of the

(a) By the 5 Geo. IV. c. 83, s. 4, this must not be more than three months, ante, “Vagrants.”

I. K.

3 & 4 Will. IV. c. 90, s. 14, "no person shall be deemed a voter, or do any other act, matter or thing, as such, by virtue of this act, unless he or she shall have been rated to the poor rate or for the whole year immediately preceding his so voting, or as such rate-payer, and shall have paid all the parochial rates, amounts due from him or her at the time of so voting or acting, as have been made or become due within the six months immediately preceding his so voting."

adopting of act, as Vouching	Signatures of Voters.	Description and Desig- nation of Voters.	Residence of Voters.

(6.) Book or paper
to be used at the
meeting for deter-
mining whether
the 3 & 4 WILL.
IV. c. 90, shall
come into opera-
tion (b).

ience of id for.	Signatures of Electors.	Description and Desig- nation of Electors.	Residence of Electors.

(7.) Book or paper
to be used in the
election of inspec-
tors (b).

See in Mr. Tidd Pratt's work on this act.
See also in Mr. Tidd Pratt's work on the statute 3 & 4 Will. IV.

3. Forms.

(8.) Minute of adoption of provisions of act.

At a meeting [or, "adjourned meeting"] of the rate-payers of the parish, in the county of , held at , on the day of 18 , it was determined by a majority consisting of two thirds of the rate-payers present at such meeting, that the provisions of the act Will. IV. c. 90, intituled, &c. [set out the title of the act or so much ther relates to watching or lighting], should be adopted; and that inspectors be elected to carry such purposes into effect.

A. B. Chairman.
 C. D.
 E. F. } Rate-payers.
 G. H.

(9.) Minute, stating the amount of money to be raised.

At a meeting [or "adjourned meeting"] of the rate-payers of the parish, in the county of , held at , on the day of 18 , it was resolved and determined that the total amount of money the inspectors shall have power to call for in the succeeding year, in order to carry into effect the provisions of a certain act, passed in the fourth year of reign of his late majesty King William the Fourth, intituled "An Act" [set out the title of the act], shall be the sum of £ .

A. B. Chairman.
 C. D.
 E. F. } Rate-payers.
 G. H.

(10.) Demand of poll.

We, A. B., C. D., E. F., G. H., and I. K., five rated inhabitants of the parish, in the county of , qualified to vote, pursuant to the provisions of a certain act, passed in the fourth year of the reign of his late majesty William the Fourth, intituled, &c. [set out the title of act], do hereby demand poll to be taken of the rate-payers qualified to vote upon the question whether the said act, and the provisions thereof, [or "so much thereof as to "] shall be adopted in such parish, and also as to the amount of money to be raised in the succeeding year for the purposes therof, and the number of inspectors to be elected; as determined at the present meeting. Dated the day of , 18 .

A. B. G. H.
 C. D. I. K.
 E. F.

To Mr. L. M., chairman of the meeting of rate-payers, held in the parish, in the county of , on the day of , A.D. pursuant to 3 & 4 Will. IV. c. 90.

(11.) Notice of adoption of act.

Notice is hereby given, that at a meeting of the rate-payers of the parish, in the county of , held on the day of last, at pursuant to the provisions of the act 3 & 4 Will. IV. c. 90, intituled, [set out title of act], it was resolved by a majority of two thirds of the votes of the rate-payers present at such meeting, [or, in case of a poll being demanded a majority of two thirds of the votes of the rate-payers, delivered to us the churchwardens, on a poll having been demanded, the whole number of persons voting being a clear majority of the rate-payers of the parish"], that the provisions of the said act [or, "so much of the said act as relates to watching and lighting"], should be adopted in the said parish; and the amount of money to be raised in the succeeding year was fixed at the sum of £ . The number of inspectors to be elected was fixed and determined to be that were at the said meeting appointed such inspectors. Dated the day of , 18 .

A. B. } Churchwardens.
 C. D. } parish of

(12.) Notice for election of inspectors.

Notice is hereby given, that a meeting of the rate-payers of the parish of in the county of , will be held at , on , at o'clock.

and J. K., churchwardens of the parish of , &c., [as in (15.) Notice to be given by churchwardens on receipt for the purpose of the inspectors appointed under the said act, of notices for inspecting accounts and vouchers for the year ending on the day of , 18 .

G. H.

J. K.

stat. 3 & 4 Will. IV. c. 90, s. 14, "No person shall be deemed a voter or entitled to vote, or do any other act, matter, or thing, as such, under the provisions of this act, unless he or she shall have been rated to the poor for the whole year immediately preceding his so voting, or as such rate-payer, and shall have paid all the parochial rates, payments, due from him or her at the time of so voting or acting, as have been made or become due within the six months immediately preceding such voting."

and J. K., the acting inspectors in the parish of , in the (16.) Notice of vacancy in number of inspectors, under the provisions of the act 3 & 4 Will. IV. c. 90, in case of title of act], do hereby give you notice, that , one of in the said parish of , is dead, [or, "become disqualified," rated to act,"], and require you forthwith, in the manner directed in the said act, to call a meeting of the rated inhabitants for the purpose of filling the vacancy. Dated this day of , 18 .

J. J.

J. K.

*I G. H.,
s of the parish of , in the county of .*

Matching and Lighting.3. Forms.

(17.) Notice to treasurer, &c. to deliver up books, &c.

We, J. J. and J. K., inspectors duly appointed in and for the parish in the county of , under the provisions of the act 3 & 4 Will. intituled, &c. [set out title of act], do hereby require you, the treasurer [see ante], forthwith to deliver up to , of , all books, writings in your custody or power, relating to the execution of the said parish of , or to give satisfaction to us the said inspect the said , respecting the same. Dated this day of

J. J.
J. K.

To Mr. E. F., the treasurer appointed under the provisions of the 3 & 4 Will. IV. c. 90.

(18.) Order on overseers to collect money.

We, J. J. and J. K., the inspectors duly elected for the parish of the county of , under the provisions of the act 3 & 4 Will. IV. tituled, &c. [set out title of act], do hereby require you, the over poor of the said parish, to collect and levy, pursuant to the se sum of £ , being the amount we are authorized to call for commencing on , and ending on , for the purposes into effect the provisions of the said act, and to pay the same to treasurer duly appointed in the said parish, under the said act. w calendar months from the delivery of this our order. Dated this , 18 .

J. J.
J. K.

To E. F. and G. H.,
Overseers of the poor of the parish of , in the county of

(19.) Note to be given by overseers to treasurer, pursuant to 3 & 4 Will. IV. c. 90, s. 36, (ante, 381.)

The sum of £ was this day paid by the undernamed, the the parish of , in the county of , to , the tre appointed in the said parish, under a certain act passed in the four the reign of king William the Fourth, intituled, &c. [set out title pursuance of the order for levying the same, issued on the day 18 , by the inspector duly appointed under the said act. Dated th of , 18 .

E. F.
G. H.

(20.) Receipt to be given by treasurer to overseers, pursuant to that sect. (ante, 381.)

Received the day of , 18 , of , the the parish of , the sum of £ , levied by them in the pursuant to an order dated the day of , last made, an and , the inspectors duly appointed in the said pari certain act passed in the fourth year of the reign of king William intituled "An Act," &c. [set out title of act].

E. F., the treasurer du in the parish of spectors, pursuant to & 4 Will. IV. c. 90.

(21.) Notice of appeal.

To the inspectors of the parish of , in the county of under the provisions of the stat. 3 & 4 Will. IV. c. 90, [or "to J. J. P., justices of the peace acting in and for the county of

This is to give notice to you and every of you, that I, A. B. of intend at the next general quarter sessions of the peace to be holden the county of , at , in the said county, to appeal against order, direction, or appointment of you, the said inspectors, [or certain order' or "conviction of you, the said justices"], dated th of last; and that the grounds of such appeal are that [here grounds of appeal], of all which premises you, the said inspectors tices,'] are hereby desired to take notice. Dated this day 18 .

(Signed)

A. B. of

④ See in general, as to weights and to 179; as to foreign weights, see
_____, 2 *Chit. Commercial L.* 168 *Holt's C. N. P.* 747.

1. *Different Kinds and Standards, &c.*

How far customary measures may be used.

409, all articles are to be sold by avoirdupois weight, except as stated.

Before the passing of the 5 Geo. IV. c. 74, which we shall notice, no other weight or measure could properly be used but that mentioned by the statutes repealed by that act; and it was illegal by any other measure than the Winchester measure, of eight the bushel. (*R. v. Major*, 4 T. R. 750.) And the buyer of other than the Winchester measure was subject to the penal addition to the value of the corn so bought, by the 22 & 23 (R. v. Arnold, 5 T. R. 353; *Nolan*, 281, S. C.) "And in *Thomas*, 1 M'Clel. & Y. 119, in which it was held that a coarse sale of corn by the hambutt was in contravention of the provi 22 Car. II. c. 8, s. 2; and therefore an action could no breach of it.

And where the reddendum in a hospital renewed leases of quarters of corn, it was held, that it ought to be under the legal quarters, reckoning the bushel at eight gallons, altho leases, before the statute of 22 & 23 Car. II. c. 12, contain reddendum, and although till lately the leasees paid by reckoning the bushel at nine gallons. (*Hospital of St. Cross Walden*, 6 T. R. 338.)

So, also, in the case of *Noble v. Durrell*, it was determined in a particular market town (Bridgnorth), that butter of eighteen ounces to the pound, was bad. But Lord Kenyon "that he did not mean, in deciding that question, that a cut butter in lumps of any number of ounces was not good." J., said, "that this question did not interfere with the question to sell butter in lumps of any particular weight, is good or bad; had not seen any act which required persons not to sell more than a pound; but the question there is, when a person is selling a specific denomination of a pound, shall he be compellable than a pound?" (*Noble v. Durrell*, 3 T. R. 271.)

In the case of *Watts v. Friend*, tried at Maidstone, 11t 1828, before Lord Tenterden, (10 B. & Cres. 446, S. C.) it was in assumpit for non-delivery of seed of turnips. It is the contract was made verbally, for the sale of the seed, while were growing. And the sale was by the strike, and by measure, although the parties knew that the imperial standard lawful measure. Lord Tenterden observed, "that parties must Geo. IV. c. 74, s. 15, (post, 404,) virtually contract to sell by measure, and if not, they must, in and by the very words of contract, state the terms of their bargain, for otherwise the contract would be avoided, and that it was therefore questionable parties could, upon the parol contract, recover; and that it is reserved." (*Chit. Col. Stat.* 1107.) The case afterwards went off on another point, the contract being within the statute of frauds, and void for want of being Lord Tenterden, C.J., though not called on to decide the above. "I cannot forbear observing, that if a contract for a sale of Winchester bushel, made as this was, is to be deemed valid, then the 5 Geo. IV. c. 54, will be in a great degree defeated." (1 448.)

Now abolished by statute.

The 5 & 6 Will. IV. c. 63, s. 6, post, 406, expressly abolishes and customary measures. The 14th sect. of that act points out of ascertaining those measures in future. See *Tyson v. Thomas* & Y. 128,) in which it was decided before that act, that since IV. c. 74, a sale might be effected by any local weight or measure, the ratio of such weight or measure to the standard weight or measure specified in terms.

5 Geo. IV. c. 74.

By the 5 Geo. IV. c. 74, intituled "An Act for ascertaining and establishing Uniformity of Weights and Measures," (and which a

12, c. 1, did not take effect before 1st January, 1826), after 1. *Different Kinds and Standards, &c.*

: and whereas, notwithstanding it is provided by the great where there shall be but one measure and one weight throughout by the treaty of union between England and Scotland, weights and measures should be used throughout Great were then established in England, yet different weights and me larger, and some less, are still in use in various places be United Kingdom of Great Britain and Ireland, and the of the present standards is not verily known, which is the at confusion and of manifest frauds; for the remedy and f these evils for the future, and to the end that certain weights and measures should be established throughout the dom of Great Britain and Ireland :" it is enacted, "That the or distance between the centres of the two points in the gold

straight brass rod, now in the custody of the Clerk of the ammona, wheron the words and figures 'standard yard, graved, shall be, and the same is hereby declared to be, the genuine standard of that measure of length or lineal exten-

yard ; and that the same straight line or distance between the said two points in the said gold stud in the said brass being at the temperature of sixty-two degrees by Fahren- meter, shall be, and is hereby denominated the 'imperial d,' and shall be, and is hereby declared to be, the unit or d measure of extension, wherfrom or whereby all other extension whatsoever, whether the same be lineal, super- l, shall be derived, computed, and ascertained ; and that all enghth shall be taken in parts or multiples, or certain pro- ie said standard yard ; and that one third part of the said I shall be a foot, and the twelfth part of such foot shall be I that the pole or perch in length shall contain five such alf, the furlong two hundred and twenty such yards, and thousand seven hundred and sixty such yards."

All superficial measure shall be computed and ascertained standard yard, or by certain parts, multiples, or proportions that the rood of land shall contain one thousand two hun- square yards, according to the said standard yard ; and that and shall contain four thousand eight hundred and forty such Acre. , being one hundred and sixty square perches, poles, or

After 1st May, 1825, standard yard defined as the measure of length shall be the unit of the measures of ex- tension.

Foot.
Inch.
Pole or perch.
Furlong.
Mile.

Superficial mea- sures computed from said yard.

And whereas it is expedient that the said standard yard, if ed, defaced, or otherwise injured, should be restored of the , by reference to some invariable natural standard : and is been ascertained by the commissioners appointed by his iquire into the subject of weights and measures, that the eby declared to be the imperial standard yard, when com- pendulum vibrating seconds of mean time in the latitude of vacuum at the level of the sea, is in the proportion of thirty- thirty-nine inches, and one thousand three hundred and ten thousandth parts of an inch ;" be it therefore enacted and hat if at any time hereafter the said imperial standard yard or shall be in any manner destroyed, defaced, or otherwise all and may be restored, by making, under the direction of treasurer, or the commissioners of his majesty's treasury of Kingdom of Great Britain and Ireland, or any three of them, being, a new standard yard, bearing the same proportion to um as aforesaid, as the said imperial standard yard bears to im."

The yard, if lost, &c. may be re- stored by refe- rence to the length of a pen- dumulum vibrating seconds at Lon- don.

From and after the 1st day of May, 1825, the standard brass Standard pound s pound troy weight, made in the year 1758, now in the cus- defined as the l.

where goods and wares commonly sold by weight or measure, or articles
ered, done, or agreed for, or to be sold, delivered, done,
y weight or measure, shall and may be either according
ard of weight, or the said standard for heaped measure;
, bargains, sales, and dealings, made or had for any other
merchandise, or other thing done or agreed for, or to
ed, done, or agreed for by weight or measure, shall be
ccording to the said standard of weight, or to the said
parts, multiples, or proportions thereof; and, in using,
es shall not be heaped, but shall be stricken with a round
straight and of the same diameter from end to end."

is, however, repealed by the 5 & 6 Will. IV. c. 63, s. 7,

rided, "That nothing herein contained shall authorize the
d, by measure, of any articles, matters, or things, which
re in Ireland are required to be sold by weight only."

opies and models (b) of each of the standard yard, the
ound, the said standard gallon, and the said standard for
, and of such parts and multiples thereof, respectively, as
treasurer of the United Kingdom of Great Britain and
aid commissioners of his majesty's treasury, or any three
to time being, shall judge expedient, shall within three
next after the passing of this act, be carefully made and
he direction of the said lord high treasurer, or the said
of his majesty's treasury, or any three of them, for the
i that the copies and models of the said standard yard, of
rd pound, of the said standard gallon, and of the said
ped measure, and of parts and multiples thereof, so forth-
s and verified as aforesaid, shall, within three calendar
he passing of this act, be deposited in the office of the
the Exchequer at Westminster, and that copies thereof,
said, shall be sent to the lord mayor of London and the
of Edinburgh and Dublin, and of such other cities and
ich other places and persons in his majesty's dominions or
e lord high treasurer or commissioners of the treasury
o time direct." (See the 17th section of the 5 & 6 Will.

For other articles,
weight or stricken
measure.

Selling by mea-
sure instead of
weight in Ireland.

Copies and
models of the
standard of
length, weight,
and measure to
be made and
verified under
direction of the
treasury (a).

*1. Different
Kinds and
Standards, &c.*

5 Geo. IV. c. 74.

To be placed for custody and inspection as herein mentioned.

Expenses of procuring such models and copies, how to be paid in England and Scotland respectively.

For ascertaining measures of capacity, where reference cannot easily be had to standards.

All contracts for sale, &c. by weight or measure shall relate to the standard, unless the contrary is specified.

respective counties, ridings, or divisions, shires or stewardries, or places, or cities or royal burghs, a model and copy of each said standards of length, weight, measure, and of each of its multiples thereof; which models and copies, when so purchased and verified with the models and copies deposited by the chamberlains of the Exchequer as aforesaid, in such manner and upon payment of such fees as are at present payable to the chamberlains upon the comparison and verification of weights : with the standards thereof; and such models and copies, when and verified, shall be placed for custody and inspection with or persons, and in such place or places, as the said justices of the peace, in their respective counties, ridings, and divisions, stewardries, cities, towns, and places, or cities or royal burghs, and the same shall be produced by the keeper or keepers reasonable notice, at such time or times and place or places, such county, riding, or division, shire, or stewardry, city, town, or city or royal burgh, as any person or persons shall, by his or their hand or hands, require; the person requiring the same paying the reasonable charges of the same."

Sect. 13. "The expense of procuring and transmitting and copies for the respective counties, ridings, or divisions, or places, shall be paid in that part of the said United Kingdom of Great Britain and Ireland called England, out of the rates paid by the land-tax in such counties, ridings, or divisions, cities, towns, or places ; and in the said United Kingdom called Scotland, such expenses in shires and stewardries, and cities or royal burghs, shall be a charge upon the commissioners of supply upon such shires and stewardries, and cities or royal burghs, by the magistrates thereof, and shall be paid by the land-tax payable in such shires or stewardries, and cities or royal burghs, to the collectors of the land-tax in such shires or stewardries, and cities or royal burghs, respectively ; and in Ireland such expense shall be paid in the respective counties, and counties of cities and towns, by presentments to be made by grand juries ; and the collectors of the county rates in England, of land-tax in Scotland, and of the land-tax in Ireland, under grand jury presentments in Ireland, shall have such powers of levying and recovering the assessments to be made by act, as are competent to them for levying and recovering the rates, land-tax, and grand jury assessments respectively ; collectors respectively shall, out of the proceeds of such rates, pay the expenses of procuring and transmitting such models as aforesaid accordingly." [By the 5 & 6 Will. IV. c. 63, s. 1, the expense of providing weights and measures, as regulated by this act, is to be paid out of the county rate.]

Sect. 14. "That in all cases of dispute respecting the capacity of any measure of capacity, arising in a place where recourse can conveniently had to any of the aforesaid verified copies or models of standard measures of capacity, or parts or multiples of the same, may be lawful to and for any justice of the peace, or magistrate having jurisdiction in such place, to ascertain the content of such measure by direct reference to the weight of pure or rain water, when the measure is capable of containing ; ten pounds avoirdupois of water, at the temperature of sixty-two degrees by Fahrenheit's meter, being the standard gallon ascertained by this act, the same in bulk equal to two hundred and seventy-seven cubic inches, and hundred and seventy-four one-thousandth parts of a cubic foot, in proportion for all parts or multiples of a gallon."

Sect. 15. "From and after the 1st day of May, 1825, all contracts for gains, sales, and dealings which shall be made or had within the United Kingdom of Great Britain and Ireland, for any goods done, or for any goods, wares, merchandize, or other things delivered, done, or agreed for by weight or measure, whether

at so to be ascertained shall be the rule of payment in regard to all contracts, rents, toll, or rates, in all time coming; and the costs and
expenses of such inquisitions, and the enrolments thereof, shall be paid
out of the general rate or stock of every such
riding, division, city, town, or place (being a county of itself), and
d, by presentments of the several grand juries."
, the 5 & 6 Will. IV. c. 63, s. 14, post, 409, the inquisition named

Tables to be constructed for the collection of the customs and excise, &c.

Sect. 20. "And whereas the weights and measures by which and duties of the customs and excise, and other his majesty's revenue have been heretofore collected, are different from the weights and measures of the same denominations directed by this act to be used: and whereas the alteration of such weights and measures without due care had therein, greatly affect his majesty's revenue, tend to the diminishing of the same: for the prevention wherefore enacted, That so soon as conveniently may be after the passing of this act, accurate tables shall be prepared and published under the direction of the said commissioners of the treasury for the purpose that the several rates and duties of customs and excise, and his majesty's revenue, may be adjusted and made payable according to the respective quantities of the legal standards directed by law to be universally used; and that, from and after the said 1st day of [see the 6 Geo. IV. c. 12, post, 407,] and the publication of the several rates and duties thereafter to be collected by any officer of his majesty's customs or excise, or other his majesty's revenue to be collected and taken according to the calculations in the tables prepared as aforesaid."

It should also be noticed, that the 5 Geo. IV. c. 55, s. 9, directs that "tables of weights and measures shall be constructed under the direction of the treasury, by which the duties, &c. of customs shall be uniformly collected throughout the United Kingdom." ("Customs," Vol. II.)

[See sects. 21, 22, 23, of the 5 Geo. IV. c. 74, post, 419,

Sect. 24, (post, 423), contains a proviso as to the 31 Geo. II. which empowers the dean and chapter of Westminster, &c., to appoint an officer to sign and seal weights and measures.

Sect. 25. Provided, "That from and after the passing of this act, all tuns, pipes, tertians, hogsheads, or other vessels of wine, oil, or other gaugeable liquors, imported or brought into the port of London, and landed within the said city and the liberties thereof, shall be subject and liable to be gauged, as heretofore hath been accustomed, by the lord mayor of the said city for the time being, in the office of gauger, or by his sufficient deputies, lawfully appointed, and except that the contents of all such tuns, pipes, tertians,

In Westminster.

Vessels of wine, and other gaugeable liquors imported into London, liable to gauge as heretofore by lord mayor or his deputies.

Officer of the Exchequer duly authorized should be empowered to compare and verify, and stamp as so compared and verified, standards of weight, or measure, although not exact models and copies in shape of the respective standards of length, weight, and measure defined under the provisions of the said first-recited acts in the office of chamberlains and auditor: and whereas it is expedient that the use of all weights and measures not in conformity with the weights and measures established by the said recited acts should be prohibited, and the use of the heaped measure should be abolished;" enacts, "That nothing in the said last-mentioned recited acts as require that all weights and measures shall be models and copies in shape or form of the standards fixed in the Exchequer, and also so much of the said recited acts as prohibit the use of weights and measures not in conformity with the imperial standard weights and measures established by the said acts, or allow such weights and measures to be bought or sold by any weights or measures founded by local custom or founded on special agreement, shall be the same are hereby repealed."

Act 4. "All weights and measures which have been so verified and stamped at the Exchequer at Westminster as copies of the standard weights and measures, corresponding in weight and capacity with those established by the said recited acts, shall be deemed and taken to be legal weights and measures, to be used for comparison as copies of the imperial standard weights and measures, although not similar in shape to those fixed under the provisions of the said recited acts; and that the Superintending officer general, or some other officer of the Exchequer at Westminster duly authorized, may compare and verify, and stamp as so compared Weights and measures stamped at the Exchequer declared legal, although not similar in shape to those required by recited acts.

Superintending officer may verify

1. Different Kinds and Standards, &c.

and stamp weights and measures of other form than those prescribed by 5 Geo. IV. c. 74.

Copies of the standard weights and measures, which shall have been worn and mended, to be sent to the Exchequer to be re-verified.

Officer to keep a register thereof.

Local and customary measures abolished.

Not to prevent sale of articles in certain vessels.

Heaped measure abolished.

Articles heretofore sold by heaped measure, how to be sold.

Coals to be sold by weight and not by measure.

and verified, as correct standard measures of a yard, and standard weights, and as correct standard measures of weights and measures which shall correspond in length, capacity with the standards, or parts or multiples thereof deposited in the Exchequer under the said act of the fifth year although such weights and measures may not be models of shape or form of the standards so deposited as aforesaid; the said recited acts to the contrary notwithstanding."

Sect. 5. "All copies of the imperial standard weights and measures which may have become defective, or have been mended in any way or accident, shall forthwith be sent to the Exchequer at Westminster for the purpose of being again compared and shall be stamped as re-verified copies of the imperial standard measures, provided that the comptroller general or other officer for such verification, shall deem them fit to be used for the standards; and every new comparison and verification shall be upon the original indenture of verification; and such weights and measures shall be so stamped upon payment of fees of verification and the comptroller general or other officer at the Exchequer authorized, shall keep an account or register of all copies of standard weights and measures that shall have been verified at the Exchequer." [See sect. 27, post, 413.]

Sect. 6. "From and after the passing of this act, the measure called the Winchester bushel, and the lineal measure called the Standard yard, and all local or customary measures, shall be abolished; and who shall sell, by any denomination of measure other than the imperial measures, or some multiple or some aliquot part, the quarter, the eighth, the sixteenth, or the thirty-second, shall, on conviction, be liable to a penalty not exceeding the sum of 40s. for every such sale: Provided always, that nothing herein contained shall prevent the sale of any articles in any vessel, where such vessel is presented as containing any amount of imperial measure, or of any local, or customary measure heretofore in use." [See ante, sect. 27, post, 413.]

Sect. 7. "And whereas the heaped measure is liable to variation; be it therefore enacted, That from and after the passing of this act so much of the said recited acts as relate to the heaped measure shall be and are hereby repealed, and the use of the heaped measure abolished, and all bargains, sales, and contracts which shall be made after the passing of this act by the heaped measure shall be null and void; every person who shall sell any articles by the heaped measure shall, on conviction, be liable to a penalty not exceeding 40s. for every such sale."

Sect. 8. "And whereas some articles heretofore sold by heaped measure, are from their size and shape incapable of being strictly measured by weight, and their nature and quality may not be conveniently sold by weight; be it therefore enacted, That all such articles may henceforth be sold by the bushel measure, corresponding in shape with the bushel and by the said act passed in the fifth year of the reign of King William III. for the sale of heaped measure, or by any multiple, or by any part, such as the half, the quarter, or the eighth part thereof, so as nearly to the level of the brim as the size and shape of the articles sold will admit: Provided always, that nothing herein contained shall prevent the sale by weight of any article heretofore sold by heaped measure."

Sect. 9. "And whereas the sale of all coals, slack, culm, and coke, every description by weight, and not by measure, would tend to prevent the commission of frauds and impositions in the delivery of such coals, slack, culm, and coke of every description; be it therefore enacted, That from and after the 1st day of January, 1836, all coals, slack, culm, and coke of every description shall be sold by weight, and not by measure; and every person who shall from and after the 1st day of January, 1836, sell any coals, slack, culm, or coke,

such cases the proportions are to be *v. Penn*, 9 *M. & Wels.* 687.)

*1. Different
Kinds and
Standards, &c.*

5 & 6 Will. IV.
c. 63.

officers of every such county, city, town, or place, to inquire ascertain the amount, according to the standard of weight of this act established, of all contracts to be performed or remitted in grain or malt, or any other commodity or thing, or with the measure or weight of any such grain, malt, or other commodity, and the amount of any toll, rate, or duty heretofore according to any weights and measures heretofore in use in counties, cities, towns, or places respectively; and in taking possession, care shall be taken that in every case in which grain, or any other commodity or thing, having, before the said January, 1835, been sold by weight, shall henceforth be sold or having before the said 1st day of January been sold by weight, henceforth be sold by weight, no increase or diminution be made of any rate, toll, or duty hereafter payable for such grain or any other commodity or thing, due regard being had to the measure for weight, or of weight for measure, as the case may be. Such inquisitions, when taken, shall be transmitted by the clerks of the peace of the same counties respectively, or by bailiff, or other head officer of every such city, town, or part of a county of itself, into his majesty's Court of Exchequer at London and Dublin respectively, and shall be there enrolled of record and may be given in evidence in any action or suit at law, and the amount so to be ascertained shall, when converted into standard weights and measures, be the rule of payment in such contracts, rents, tolls, rates, or duties in all time coming, and the costs and charges of such inquisitions and the enrolments shall be paid and defrayed by the party on whose application such inquisition shall be taken."

Sect. 15. Relates to the ascertaining certain rents, tolls, &c. in Scotland.

Sect. 16. Contains a regulation as to fair prices of corn in Scotland.

Sect. 17. "In England at the general or quarter-sessions held next after the passing of this act, the justices of the peace of a riding, or division, or county of a city or county of a town, or quarter sessions assembled, and in Scotland the justices of the peace meeting to be called for the purpose by the sheriff of each county, or by the magistrates of each royal burgh, within three months after the passing of this act, and so from time to time at any subsequent general or quarter sessions, or meeting so called as aforesaid, shall determine copies of the imperial standard weights and measures which they deem requisite for the comparison of all weights and measures within their respective jurisdictions, and shall direct that such copies, sealed and stamped at the Exchequer, shall be provided for the use of the same, and shall fix the places at which such copies shall be kept. They shall appoint a sufficient number of inspectors of weights and measures, and shall have the safe custody of such copies, and for the discharge of the duties hereinbefore mentioned, and shall allot to each inspector a district, such district to be distinguished by a number or mark, a sum of money for which reasonable remuneration shall be paid to such inspectors."

Copies of the imperial standards to be provided by order of general or quarter sessions in England, and by meetings of justices in Scotland.

Appointment of inspectors (b).

(a) In counties of cities, and counties of towns, to which a court of quarter sessions has been granted under stat. 5 & 6 Will. IV. c. 76, the recorder, by sect. 105, has the powers relating to inspectors of weights and measures given by sect. 17 of stat. 5 & 6 Will. IV. c. 63, to the magistrates in quarter sessions assembled. (*Reg. v. Hull (Recorder)*, 8 Ad. & E. 638; 3 N. & P. 595, S. C.)

Although the present recorder be limited to a county less extensive than the county comprehended under those statutes.

See sect. 25, post, concerning the magistrates power out of their districts, as to other places.

(b) As to the powers of inspectors to inspect, &c. see warrant, see post, 415.

h manner as best to prevent fraud, such weights and measures examined and compared, if found to correspond with the standard fees for such examination, comparison, and stamping according to the scale contained in the schedule to this act ; and every person who shall use any weight or measure other than those authorized by this act, or some aliquot part thereof as hereinbefore mentioned, or which has not been so stamped as aforesaid, except as hereinafter excepted, or which shall be found light or otherwise unjust, shall be liable to conviction, forfeit a sum not exceeding 5*l.*; and any contract, sale or delivery made by any such weights or measures shall be wholly void, and every such light or unjust weight and measure so used being discovered by any inspector so appointed as aforesaid, and on conviction of the person using or possessing the same, shall be forfeited : Provided always, that nothing herein contained shall require any single weight above fifty-six pounds to be stamped, such weight of fifty-six pounds being the greatest of all standard weights deposited in the Exchequer ; and that nothing herein contained shall extend to require any wooden or wicker jug or drinking cup, though represented as containing the equivalent of any imperial measure, or of any multiple thereof, to be stamped, but any person buying by any vessel represented as containing the equivalent of any imperial measure, or of any multiple thereof, shall be required to compare the contents of such vessel to be ascertained with a stamped measure, such stamped measure to be provided by the person who shall use such wooden or wicker, glass jug or drinking cup as aforesaid ; and in case the

Penalty on using
weights or mea-
sures not autho-
rized by act, &c.

No weight above
56lbs. to be In-
spected or
stamped.

the land tax payable in such shires or stewartries and burghs, to the collectors of the land tax in such shires or cities or royal burghs respectively; and in Ireland such as provided for and paid by presentments to be made by the respective counties, counties of cities, and counties of towns such counties, counties of cities, and counties of towns respectively; and the collectors of land tax in Scotland shall have such and the power of levying and recovering the assessments to be made under this act, and the collectors of land tax in Scotland are competent to them for levying and recovering the said land tax.

No maker or seller of weights or measures to be appointed inspector.

Inspectors to enter into recognizance.

Inspectors to attend at market towns, when ordered by justices, &c.

Sect. 23. "After the passing of this act no maker or seller of weights or measures, or person employed in the making or selling thereof, shall be appointed an inspector of weights and measures under the authority of this act; and that every inspector shall forthwith enter into a recognizance to the king, to be sued for in any court of common law, for a sum of 200*l.*, for the due and punctual performance of his office, and for the due and punctual payment, at such time as may be directed by the justices, magistrates, or other persons who may have been appointed, of all fees received by him under the authority of this act, and for the safety of the stamps and copies of standard weights and measures committed to his charge, and for the due restoration and surrender to such person or persons as may be appointed to receive them by the justices, magistrates, or other persons so said, immediately on his removal or other cessation from office."

Sect. 24. "In England the justices in general or quarter sessions shall be appointed, and in Scotland the justices or magistrates at a meeting before the sheriff, and in Ireland the grand jury of each county, county of a town, shall determine and appoint on what day and every such inspector shall attend with the stamps and copies of imperial standard weights and measures in his custody at several market towns, and at such other places within their jurisdictions as they shall deem expedient; and every such inspector attending shall examine, compare, and stamp if found correct, all weights and measures as shall be brought to him for that purpose, and shall also upon all measures and upon all weights of a quarter and upwards stamp a number or mark distinguishing the day on which he acts, and he shall keep a book, wherein he shall enter

and discharge the same duties as the inspectors of weights appointed under this act by the county justices or grand juries of their respective counties, and shall account as aforesaid to such inspector for the amount of the fees received by them : Provided always, that no person contained in this section shall prevent inspectors appointed by county justices or juries from coming to any place within the limits of such section or authority as aforesaid, and there inspecting and weighing and measuring of any person residing within the district in which such inspectors may have been appointed ; but that any person knowingly stamping any weight or measure of any person residing within the limits of any local jurisdiction for which another inspector lawfully appointed as aforesaid shall forfeit a sum not exceeding one shilling for every weight or measure which he may so stamp."

"Weights and measures in Ireland are to be supplied with beams and accurate copies.

No weight or measure duly stamped by any inspector appointed under the authority of the said act hereby repealed, or this act, or person or persons lawfully authorised to examine and weigh weights or measures, shall be liable to be re-stamped, although used in any other place than that at which the same was stamped, but shall be considered as a legal weight or measure throughout the United Kingdom, unless found to be defective or unjust."

Penalty on inspector knowingly stamping weights, &c. of any person residing out of the district.

Weights and measures once stamped need not be restamped.

East India Docks ; when they were asked by the dock master for what the only set of weights belonging to the company had been used in the property of the Crown ; it was admitted by the master that the weights and measures belonged to the company, and that they lent them to the use of the Crown ; and upon inquiry it was discovered that the weights and measures were

pose, although they were found by them for the use of the Crown ?—2ndly. Whether also under the same section the inspectors could seize weights and measures without comparison, on the ground of their being unstamped, or whether the power of seizure alone given after comparison and weights or measures found insufficient ? Upon these points the opinion of Sir J. Campbell (Attorney-General) was taken ; and in answer to the questions, he was of opinion that the circumstance of the

2. Examination, &c. of Penalties, &c.

II. Examination of Weights, &c., and Penalties, &c. defective ones. Recovery, &c. of Penalties. Inspectors. Limitation of Actions, &c.

Selling by false weights offence at common law.

Power of leet jury, &c. over.

The selling by false weights or measures is an offence at law, and may be punished by indictment, fine, and imprisonment. ("Cheat," Vol. I.)

The court leet have jurisdiction to inquire into weights and measures within its jurisdiction. (See "Leet," Vol. III.) But the leet in general enter shops, &c. to examine weights, &c.; the power proceeded against by summons. (And. 48.) There may be custom in the manor to make such entry, and then it will be the custom may also extend for the jury to break and destroy measures; and it would be a lawful custom. (*Willcock v. R. & Adol.* 43.)

The 5 & 6 Will. IV. c. 63, s. 45, post, 424, expressly reserves of leet juries as to the examination, &c. of weights, &c., and of such powers is still recognised by the later act of 3 & 4 Vict which gives the right of appeal to persons thinking themselves by any presentment or proceeding of any leet jury, or court hundred or manor within the metropolitan police district, or appointed at such court leet, with respect to examining or seizing, breaking, or destroying any weights, balances, (See the enactment, title "Leet," Vol. III.)

Statutes as to examination of weights and measures.

The statutes now in force relative to the examination of weights and measures, and inflicting penalties and forfeitures on persons dealing by unlawful weights, balances, or measures within the said city and liberty of Westminster, and the general act of 5 & 6 Will. II. c. 25, and 31 Geo. II. c. 17, which are confined in their operation to the city and liberty of Westminster, and the general act of 5 & 6 Will. III. c. 43, the existence of which was recognised by the 5 & 6 Will. III. c. 43, are now, it would seem, virtually repealed by the 5 & 6 Will.

In Westminster.
Duty of the jury with respect to weights and measures.

By the 29 Geo. II. c. 25, s. 14, "for preventing persons dealing by unlawful weights, balances, or measures within the said city Westminster," it is enacted, "That the said annoyance jury hereby authorized and empowered, at all seasonable times it is to enter into any shop, house or warehouse, within the said liberty, belonging to any person or persons that deal by weight; and if the said jury shall find any weight, balance or measure to be unlawful or defective, it shall and may be lawful to the said jury, and they are hereby directed and required, to break and smash, and to amerce the person or persons so offending, in sums of money as they shall think proper, according to the offence, not exceeding 40s. for any one offence."

Weights and measures to be sized, sealed, and marked by the proper officer.

Also by the 31 Geo. II. c. 17, s. 9, reciting, "Whereas by the said act the said annoyance jury are empowered to destroy weights, balances, and measures, of persons dealing by weight or measure within the limits aforesaid; and a doubt having arisen concerning the construction of such part of the said act as relates to obviating whereof," it is enacted "That all weights and measures used by persons dealing by weight or measure, within the said city and liberty, shall be sized and sealed by the standards appointed for that purpose, or by such other officer as may be appointed by the said dean, high steward, or his chief burgesses, and the other burgesses, of Westminster, or more of them, whereof the said dean, high steward, is always to be one, at a court to be held for that purpose, (an

jd.; and all weights and measures belonging to persons
ht or measure within the said city and liberty, which shall
nd marked in manner before directed, shall be deemed
it shall and may be lawful for the said annoyance jury, or
ore of them, and they are hereby authorized and required
uch unlawful weights and measures, and to amerce the
re thereof, or the person in whose possession the same
in any sum or sums of money not exceeding 40s. for any

Unsealed weights
and measures may
be destroyed as
unlawful.

and the owners
amerced in a sum
not exceeding 40s.

enacts, "That the officer already appointed, or hereafter
l as aforesaid, after all necessary charges and expenses Sealing officer to
sing, sealing, and marking such weights and measures as
have been first deducted, shall, and he is hereby directed pay half yearly to
lf-yearly, within one calendar month next after the 25th
nd the 29th day of September, in every year, to pay or
. to the deputy steward of Westminster for the time being,
is trouble and expense in attending his office of deputy
minster, one moiety of the clear money arising from or
uch sealing, sealing, and marking as aforesaid."

Sealing officer to
pay half yearly to
the deputy stew-
ard a moiety of
his profits.

Will. IV. c. 63, s. 28, "In England and Ireland it shall *In General.*
ery justice of the peace of any county, riding, or division, Power to justices
town, and in Scotland for every sheriff, justice, or magis- and inspectors to
rough or town, or for any inspector (authorized in writing
of any justice of the peace in England and Ireland), or of
ice, or magistrate in Scotland, at all seasonable times to
store, warehouse, stall, yard, or place whatsoever within
(a), wherein goods shall be exposed or kept for sale, or

Power to justices
and inspectors to
enter shops and
inspect weights
and measures (a).

, B., in *Hutchinson v. P.* 755. "This term is therefore, that whatever authority the
all persons, the per- justice has, a person authorized by him
nominated, that is, the in writing must have; and that being
within his jurisdiction, a general authority to enter at all sea-
enter within his jurisd- sonable times, it follows, that he may,
iction, for the purpose of transfer the same

2. Examination, &c. of. Penalties, &c.

5 & 6 Will. IV. c. 63.

False weights forfeited.

Penalty.

Refusal to produce for or obstructing examination.

Penalty on inspector for neglect of duty or for misconduct.

Penalty for counterfeiting stamps on weights and measures.

* Sic.

Penalty on price lists, &c. denoting greater or less weight or measure than the same denomination of imperial weight or measure.

Recovery of penalties in England and Ireland.

shall be weighed for conveyance or carriage, and there to weights, measures, steelyards, or other weighing machines, and and try the same with the copies of the imperial standard measures required or authorized to be provided under this upon such examination it shall appear that the said weights are light or otherwise unjust, the same shall be liable to be forfeited; and the person or persons in whose possession the be found shall, on conviction, forfeit a sum not exceeding £ person who shall have in his or her possession a steelyard or ing machine which shall on such examination be found otherwise unjust, or who shall neglect or refuse to produce mination, when thereto required, all weights, measures, st other weighing machines which shall be in his or her possess otherwise obstruct or hinder such examination, shall be liable penalty."

Sect. 29. "In case any inspector of weights and measures, or other person legally authorized to examine and stamp any measures, shall stamp any weight or measure without duly v same by comparison with a copy of the imperial standard, guilty of a breach of any duty imposed upon him by this a otherwise misconduct himself in the execution of his office, offender shall, upon conviction, forfeit a sum not exceeding such offence."

Sect. 30. "If any person or persons shall make, forge, or or cause or procure to be made, forged, or counterfeited, or act or assist in the making, forging, or counterfeiting, any stamp now used or which may hereafter be used for the stamping of any weights or measures under this act*, shall for every s forfeit, on conviction, a sum not exceeding 50l. or less than £ any person shall knowingly sell, utter, dispose of, or expose weight or measure with such forged or counterfeit stamp thereon, every person so offending shall for every such offend conviction, a sum not exceeding 10l. or less than 40s.; weights and measures with such forged or counterfeited stamp shall be forfeited and broken up, and the proceeds thereof s posed of in the manner hereinafter mentioned."

Sect. 31. "From and after the 1st day of January, 1836, if or persons shall print, or if the clerk of any market or other make any return, price list, price current, or any journal or containing price list or price current, in which the deno weights and measures quoted or referred to shall denote greater or less weight or measure than is denoted or implied denomination of the imperial weights and measures under ar to the provisions of this act, such person or persons or market shall forfeit and pay any sum not exceeding 10s. for of every such return, price list, price current, journal or which he or they shall publish."

Sect. 32. "All penalties and forfeitures which shall be incurred by any of the provisions of the said recited act of the fifth year of this act, after deducting so much thereof, not exceeding £ to be paid to the party on whose information the conviction place, as the justice before whom the party is convicted fit, shall be paid to the treasurer of such county, riding, county of a city, corporate town, or other place in which be respectively recovered, or to such other person as shall be authorized to receive the same, and be applied to and make county stock, or of such other funds as shall be liable, under sions of this or any other act, to the cost of providing taining copies of the imperial standard weights and me thing in the said recited act of the fifth year aforesaid to notwithstanding."

ngs, or divisions in England and Ire- 2. *Execution-*
under this act shall be sued for before *tion, &c. of.*
at petty sessions, or before the mayor *Penalties, &c.*

city, borough, town, or place within
it have been committed; and that the
indictment be directed to the following form, or in words

§ 2 & 3 WILL. IV.
c. 63.

Being for penali-
ties.

*day of , in the year of our Form of indict-
ment, two of his majesty's justices of the
city or chief magistrate of the city, borough,
the offence, and the time and place when
it was committed, contrary to an act passed in the
Year the Fourth, intituled, &c. [as the case
is that the said A. B. hath forfeited for his
' [here insert the penalty]. Given under
and seal'] the day and year first above*

recovered all penalties and forfeitures in- Mode of recovery
of jurisdiction, in case of non-payment thereof, he

the order and adjudication of two or
sessions, or before the mayor or other
city, town, or place within whose juris-
dictions committed, on complaint to them or
theirwards be levied, as well as the costs
on-payment, by distress and sale of the By distress, &c.
offenders, by warrant under the hands
and seal of such mayor or other chief
magistrate authorized and required to summon
concerning such offence, and to hear and
spur (if any) of the money so raised or
penalties or forfeitures, and the costs
so returned, on demand, to the respective

of the goods and chattels so seized and distrained; and in case
such penalty or forfeiture shall not be forthwith paid, it shall be
for the said justices, mayor, or other chief magistrate, to order any
or so convicted to be detained in safe custody until return can be
sufficiently made to such warrant of distress, unless such offender can
afford sufficient security, to the satisfaction of such justices, mayor, or
chief officer, for his or her appearance before the said justices, or
some other justices having jurisdiction, or before such mayor or
chief magistrate, on such day as shall be appointed for the return
of such warrant, such day not being later than eight days from the day of
any such security, and which security any such justices, mayor,
or chief magistrate are and is hereby empowered to take by way of
distress or otherwise; but if upon the return of such warrant it shall
be found that no sufficient distress can be had whereupon to levy the said
penalty or forfeiture and costs and expenses aforesaid, and the same shall
not be forthwith paid, or in case it shall appear to the satisfaction of any
justices, mayor, or other chief magistrate, upon the confession of
such offender or otherwise, that he or she hath not sufficient goods and
chattels wherupon such penalty or forfeiture, costs and expenses, could
be levied if a warrant of distress were issued, such justices, mayor, or
chief magistrate shall not be required to issue such warrant, but in
case such justices, mayor, or other chief magistrate is hereby
empowered, by warrant under their hands and seals or his hand and seal, to
commit such offender to some common gaol or house of correction for
any city, town, or place, there to remain without bail
or mainprise for any time not exceeding two calendar months, or until
such offender shall have paid such penalty or forfeiture, and all costs
and expenses attending the proceedings, (to be ascertained by such justi-
ces, &c.)

If not sufficient
distress, offender
to be committed
to common gaol,
&c.

2. Examination, &c. of Penalties, &c.

5 & 6 WILL. IV.
c. 63.
Appeal.

Proceedings not to be quashed for want of form.
Certiorari.

Penalties in Scotland.

Limitation of actions.

Venue.

General issue.

Costs.

Plaintiff not to recover after tender of amends.

tices, mayor, or other chief magistrate,) or shall otherwise be by due course of law."—(See "Commitment in Execution," Vol. I.)

Sect. 35. "In England and Ireland all persons who may themselves aggrieved by any order, judgment, or determination of the peace, mayor, or chief magistrate, relating to any matter in this act mentioned or contained, may, within fourteen days of such order, judgment, or determination shall have been made, appeal to the justices of the peace at the then next ensuing quarter sessions to be held for the city, borough, or county where the alleged cause of appeal shall arise, first giving seven days' writing of such intention to appeal, and the grounds and nature to the party against whom such complaint is intended to be forthwith after such notice entering into a recognizance before the peace, mayor, or other chief magistrate, with two sureties, conditioned to try such appeal, and abide the orders of the said court thereon ; and the said justices shall either hear and determine the said complaint at such general or quarter sessions, think proper, shall adjourn the hearing thereof to the following or quarter sessions of the peace to be held for such city, county ; and the said justices may, if they see cause, mitigate or forfeit, and may order any money to be returned which has been levied in pursuance of such order or determination, and order any such further satisfaction to be made to the party as they shall judge reasonable, and may also order such costs to the party aggrieved by the party aggressing as they shall think fit."—(See in general, title "Appeal," Vol. I.)

Sect. 36. "No proceeding to be had or taken in pursuance of this act shall be quashed or vacated for want of form, or be removed or by any other writ or proceeding whatsoever, into any of the courts of record at Westminster or elsewhere, any law or statute contrary notwithstanding."

Sects. 37 & 38 relate to the recovery of penalties in Scotland, and to appeals against sentences there.

Sect. 39. "In all actions brought against any person for any wrong done in pursuance of this act, or in the execution of the powers thereof, such action shall be laid and brought in the county in which the cause of action shall have arisen ; and the defendants in such action may plead the general issue, and give and the special matter in evidence at any trial to be had to show that the acts were done in pursuance or by the authority of this act, if they shall appear to have been so done, or that such action has been brought otherwise than as hereinbefore directed, then in such case the jury shall find for the defendant or defendents, which verdict, or if the plaintiff or plaintiffs shall become bankrupt, shall suffer a discontinuance of his, her, or their action, after which the plaintiff or defendants shall have appeared thereto, or if a verdict be given against the plaintiff or plaintiffs therein, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have his, her, or their costs, and such remedy for recovering the same as defendants have for the costs of suit by law in any other cases."

Sect. 40. "No plaintiff shall recover in any action for any trespass, or other wrongful proceeding made or committed in pursuance of this act, if tender of sufficient amends shall have been made on behalf of the party or parties who shall commit such trespass, or other wrongful proceeding, before such action be brought, in case no tender shall have been made, it shall be lawful for the plaintiff or defendants in any such action, by leave of the court where the action shall depend, at any time before issue joined, to pay such sum or sums of money as he, she, or they shall think fit,

Judgment, order, and adjudication shall be had and made in and by 2. Examining
and settling all other actions where defendants are allowed to pay money &c. &c.
Penalties, &c.

SCHEDULE OF FEES

When by all Inspectors of Weights and Measures appointed under the Fees to be taken
Authority of this Act.

Examining, comparing, and stamping all brass weights, within their re-
spective jurisdictions:

	s. d.
Each half hundred weight -	0 9
Each quarter of a hundred weight -	0 6
Each stone -	0 4
Each weight under a stone to a pound inclusive	0 1
Each weight under a pound -	0 0½
Each set of weights of a pound and under -	0 2

Examining, comparing, and stamping all iron weights, or weights of other
metals not made of brass, within their respective jurisdictions:

	s. d.
Each half hundred weight -	0 3
Each quarter of a hundred weight -	0 2
Each stone -	0 1
Each weight under a stone -	0 0½
Each set of weights of a pound and under -	0 2

Examining, comparing, and stamping all wooden measures, within their
respective jurisdictions:

	s. d.
Each bushel -	0 3
Each half bushel -	0 2
Each peck, and all under	0 1
Each yard -	0 0½

Examining, comparing, and stamping all measures of capacity of liquids
of copper or other metal, within their respective jurisdictions:

	s. d.
Each five gallon -	1 0
Each four gallon -	0 9
Each three gallon -	0 6
Each two gallon -	0 4
Each gallon -	0 2
Each half gallon -	0 1
Each quart, and under -	0 0½

Repeal of Acts, and General Clauses of the 5 Geo. IV. c. 74,
and 5 & 6 Will. IV. c. 63; Reservation of Rights, &c.

The 5 Geo. IV. c. 74, s. 21, "All the powers, rules, and regulations contained in the several acts hereinafter mentioned, specified, &c. forth, for the ascertaining, examining, seizing, breaking, and destroying any weights, balances, or measures, shall be applied and put in force in Great Britain for the ascertaining and examining, and for seizing, breaking, and destroying of any weights or measures not

Regulations and
penalties of
British acts, viz.

35 Geo. III. c. 102. recited act of the twenty-ninth year; and in an act made in Great Britain, in the thirty-fifth year of the reign of king George the Third, intituled 'An Act for the more exactation of the Use of defective Weights, and of false and un

37 Geo. III. c. 143. and in an act made in the parliament of Great Britain seventh year of his said late majesty's reign, for explaining the said recited act of the said thirty-fifth year, and as act of the said thirty-fifth year is amended by the said thirty-seventh year; and in an act made in the parliame

Kingdom of Great Britain and Ireland, in the fifty-fifth year of his said late majesty, intituled 'An Act for the more exactation of the Use of false and deficient Measures;' and all the regulations, provisions, penalties, and forfeitures in the contained, shall be applied and put in execution as if the same ascertained by this act had been specified in the respectively, and as if all such powers, rules, regulat

penalties, and forfeitures, and modes of recovery thereto and re-enacted in this act, except only so far as the said any of them, or any part thereof, are expressly repealed by this act, or any other act or acts."

Sect. 22. The regulations and penalties of the Irish act (I.); 11 Geo. II. (I.); 25 Geo. II. (I.); 27 Geo. III. (I.); shall be applied to this act.

So much of former statutes, ordinances, and acts, as relate to establishing weights or measures, repealed, viz.

Statutes of uncertain date.

14 Edw. III. st.
v. 19

Sect. 23. "The several statutes, ordinances, and acts, several statutes, ordinances, and acts hereinafter mentioned so far as the same relate to the *ascertaining or establishing* of weights and measures, or to the *establishing or reducing* differences between weights and measures of the same denomination from and after the 1st day of May, 1825, be repealed; certain ancient statutes or ordinances made previous to King Edward the Third, but being of uncertain date, intituled by names or descriptions following: 'Assisa Panis et Cervisi size of Bread and Ale;' 'Statutum de Pistoribus, et cetera concerning Bakers, et cetera;' 'Assisa de Ponderibus' 'Tractatus de Ponderibus,' or 'Compositio de Ponderibus' 'Weights and Measures;' 'Statutum de Admensurazione Terra for the Measuring of Land;' 'Compositio Uinarum et P' also so much of a statute made in the 14th year of th

lites to the gauging of vessels of wine, honey, oil, and brought into the realm; and also so much of a statute 13 Ric. II. st. 1, th year of the reign of king Richard the Second, as relates c. 9. ng of weights and measures, and to the buying and selling teen pounds the stone; and also so much of a statute made 15 Ric. II. c. 4. ar of the reign of king Richard the Second, as relates to easures of corn, wine, ale, and malt; and also so much of 16 Ric. II. c. 3. in the 16th year of the reign of king Richard the Second, a clerk of the market, and the assay of weights and mea- him, and the using such weights and measures; and also 1 Hen. V. c. 10. tute made in the 1st year of the reign of king Henry the rms the true measure of corn, or as is intituled 'An Act true Measure of Corn'; and also so much of a statute made 2 Hen. VI. c. 11. r of the reign of king Henry the Sixth, as relates to the es of vessels of wine, eels, herrings, and salmon; and also 5 Hen. VI. c. 6. tute made in the 8th year of the reign of king Henry the s to the confirming and amending former statutes con- s and measures, and requiring common balances and kept in all cities, boroughs, and towns; and also so much 9 Hen. 6. c. 6. de in the 9th year of the reign of king Henry the Sixth, explaining the said statute of the 8th year of king Henry erning weights and measures, so far as relates to the bur- nester; and also so much of the said statute made in the 1d. c. 8. g Henry the Sixth, as relates to the weight of a wey of o so much of a statute made in the 11th year of the reign 11 Hen. VI. c. 9. he Sixth, as relates to the confirming and amending former ring weights and measures; and also so much of a statute 18 Hen. VI. c. 17. h year of the reign of king Henry the Sixth, as relates to vessels of wine, oil, and honey; and also so much of a 22 Edw. IV. c. 2. the 22nd year of king Edward the Fourth, as relates to the lled fish, or as is intituled 'An Act for packing of Barrelled the whole of an act made in the 1st year of the reign of 3rd, intituled 'An Act to ascertain the Contents of Ves- 1 Ric. III. c. 13. i Oil,' or 'An Act for the Contents of a Butt of Malmsey;' made in the 7th year of the reign of king Henry the Se- 7 Hen. VII. c. 4. ' An Act for Weights and Measures:' and also another act

3. *Repeal of Acts and general Clauses.*

5 Geo. IV. c. 74.
13 Eliz. c. 11, in part.
23 Eliz. c. 5, in part.
43 Eliz. c. 14.
16 Car. I. c. 19.
12 Car. II. c. 23, in part.

22 Car. II. c. 8.

22 & 23 Car. II. c. 12.
1 W. & M. st. 1, c. 24, in part.

5 & 6 W. & M. c. 7, in part.

7 Will. III. I.

7 & 8 W. & M. c. 31, in part.

9 & 10 Will. III. c. 6.

10 & 11 Will. III. c. 21, in part.

10 & 11 Will. III. c. 22, in part.

11 & 12 Will. III. c. 15.

1 Anne, st. 1. c. 15.

Id. c. 21, in part.

2 Anne, (I.).

5 & 6 Anne, c. 27, in part.

this Realm ;' and also so much of an act made in the 13th ye
reign of queen Elizabeth, intituled ' An Act for the Maintenan
Navigation,' as relates to the assize of herring barrels ; and also
of an act made in the 23rd year of the reign of queen Elizabeth,
' An Act touching the true Melting, Making, and Working of
relates to the barrel, kilderkin, or firkin of honey ; and also th
an act made in the 43rd year of queen Elizabeth, intituled ' A
cerning the Assize of Fuel ;' and also an act made in the 16th y
reign of king Charles the First, intituled ' An Act for the better
and regulating of the Office of Clerk of the Market, allowed and
by this Statute ; and for the Reformation of false Weights and !
and also so much of an act made in the 12th year of the reig
Charles the Second, intituled ' A Grant of certain Imposit
Beer, Ale, and other Liquors, for the Increase of His Majesty
during his Life,' as relates to the contents of the barrel of bee
and also an act made in the 22nd year of the reign of king C
Second, intituled ' An Act for ascertaining the Measures of
Salt ;' and also an act made in the parliament holden in the 22n
years of the reign of the said king Charles the Second, int
Additional Act for ascertaining the Measures of Corn and Salt
so much of an act made in the 1st year of the reign of king V
queen Mary, intituled ' An Act for an Additional Duty of E
Beer or Ale, and other Liquors,' as relates to the contents of t
beer and ale ; and also so much of an act made in the 5th an
of the reign of king William and queen Mary, made, among o
for granting to their majesties certain rates and duties upon
upon beer, ale, and other liquors, as relates to the measure an
salt ; and also an act made (in the parliament of Ireland) in t
of the reign of king William the Third, for the better regulati
sures in and throughout that kingdom ; and also so much of :
in the 7th and 8th years of the reign of king William the T
among other things, for continuing to his majesty certain dutie
glass wares, and earthen wares, as relates to the measure an
salt ; and also the whole of an act made in the 9th and 10th :
reign of king William the Third, intituled ' An Act that all
Salt shall sell by Weight ;' and also so much of an act made
and 11th years of the reign of king William the Third, made, a
things, for levying further duties upon sweets, and for lessening
as well upon vinegar as upon certain low wines, as relates to t
of a barrel of vinegar, vinegar beer, or liquor preparing for vi
also so much of another act made in the same 10th and 11th
reign of the said king William the Third, intituled ' An Act f
full and effectual Charging of the Duties upon Rock Salt,' as n
weight or measure of rock salt ; and also the whole of an act :
11th and 12th years of the reign of king William the Third, in
Act for the ascertaining the Measures for retailing Ale and
also an act made in the 1st year of the reign of queen Anne, in
Act to ascertain the Water Measure of Fruit ;' and also so mu
made in the same 1st year of the reign of queen Anne, intitule
for preventing Frauds in the Duties upon Salt, and for the bett
of Debentures at the Custom House,' as relates to the weigh
sure of foreign salt and rock salt ; and also an act made (in
ment of Ireland) in the 2nd year of the reign of queen Ann
plying the defects of the hereinbefore recited act, passed in the
of Ireland in the 7th year of the reign of king William the 7
also so much of an act made in the 5th and 6th years of the reig
Anne, intituled ' An Act for continuing several Subsidies, In
and Duties, and for making Provisions therein mentioned, to ra
by Way of Loan for the Service of the War, and other Har
necessary and important Occasions, and for ascertaining the V
sure,' as relates to the contents of the gallon, tun, butt, pipe,

Combinations to enhance the Prices, and for avoiding
Abuses formerly practised in the Sale and Measure of
so to the dimensions of the half-barrel, bushel, half-bushel,
tck of coals; and also so much of an act made in the 8th & Geo. II. c. 12,
in part.
of king George the Second, made, among other things,
ed continuing the duties upon salt and upon red and
, as relates to the computation of the distance in miles
in and refiners of rock salt; and also an act made (in the 9 Geo. II. (I.).
Ireland) in the 9th year of the reign of king George the
d ' An Act for the ascertaining the Gauge and the Measure
Half-Barrels used by Brewers in selling Beer, Ale, and
nd also so much of the statute made in the 24th year of 24 Geo. II. c. 81,
ng George the Second, intituled ' An Act for explaining, in part.
enforcing an Act passed in the 13th Year of His late Ma-
tituled ' An Act for the better Regulation of the Linen and
factures in that Part of Great Britain called Scotland, and
lating and encouraging the said Manufactures,' as relates
of hemp or flax; and also an act made (in the parlia- 26 Geo. III. (I.).
d) in the 26th year of the reign of his late majesty king
rd, for preventing frauds in the measurement of lime; and
f an act made in the 38th year of the reign of his late 38 Geo. III. c. 80,
george the Third, intituled ' An Act for transferring the in part.
f the Salt Duties to the Commissioners of Excise, and for
Duties on Salt, and the Drawbacks, Allowances, and
so,' as relates to the weight of a bushel of salt; and also 43 Geo. III. c. 69,
act made in the 43rd year of the reign of his late majesty in part.
e Third, intituled ' An Act to repeal the Duties of Excise
it Britain, and to grant other Duties in lieu thereof,' as
quart, gallon, and barrel of beer or ale; and all the said
or ordinances and acts, and parts of statutes and acts, so
, or any of them, relate to the ascertaining or establishing
of weights and measures, or to the establishing or recog-
differences between weights and measures of the same
but no further or otherwise, shall from and after the said
, 1825, be, and the same are hereby repealed; save and Repealed, save so

*3. Repeal of
Acts and gene-
ral Clauses.*

and seal weights
and measures.

4 Anne (I.), and
5 Geo. IV. c. 110,
repealed, except
so far as relate to
duties, &c. of
weighmasters.

Powers of ward
inquests in Lon-
don, Southwark,
&c., not to be
interfered with.

Rights of Foun-
ders' Company
reserved.

Saving the rights
of universities
of Oxford and
Cambridge.

Not to abridge the
power of the leet
jury, &c.;

and seal all weights and measures used by persons dealing by weight and measure in the said city of Westminster and the liberties thereof, that all the powers given and reserved to the said dean, his deputy and burgesses, by the said recited act, shall and may be exercised in the appointing of a proper officer to size and seal all such weights and measures as shall, from the passing of this act, be lawful used by persons dealing by weight and measure within the said liberties of Westminster, and shall and may be used and exercised by such officer so appointed, in the same manner in all respects as is contained in the said recited act, with relation to the weights and measures mentioned." [See the enactments as to weights, &c.]

5 & 6 Will. IV. c. 63, sect. 41. "An act passed in the parliament of Ireland in the fourth year of queen Anne, intituled 'An Act for the Regulation of Weights used in this Kingdom, and that Salt and Meal shall be measured by Weight,' and another act passed in the parliament of the United Kingdom of Great Britain and Ireland in the fifth year of his late majesty George the Fourth, intituled 'An Act for the Indemnity of Persons in Proceedings against Persons using Unlawful Weights in Ireland,' and they are hereby repealed, except in so far as they relate to the appointment, duties, and remuneration of weighmasters."

Sect. 42. Provided always, "That nothing in this act contained interfere with the powers of the ward inquests in respect to weights and measures within the city of London and liberties thereof, and the town of Southwark, nor prohibit, defeat, injure, or lessen the rights of the mayor and commonalty and citizens of the city of London, or the master or mayor of the said city, for the time being, with respect to the sealing weights and measures, or concerning the office of gauger of oils, honey, and other gaugeable liquors imported and landed in the city of London and liberties thereof."

Sect. 43. Provided always, "That nothing in this act contained extend to prohibit, defeat, injure, or lessen the rights granted to the master, wardens, and commonalty of the mystery of the city of London."

Sect. 44. Provided always, "That nothing in this act contained extend to prohibit, defeat, injure, or lessen the rights or franchises of either of the universities of Oxford or Cambridge, but that the assize, assay, and overlooking of weights and measures in the city of Oxford and its suburbs, and in the town of Cambridge, shall be heretofore and be in the chancellor, vice-chancellor, or his deacons of the said universities respectively; and that the chancellor, vice-chancellor, or his deputy, of each of the said universities for the time being, or other, shall have the power, and is or are hereby authorized, may require, to appoint in and for the said city and suburbs, for the said town respectively, an inspector or inspectors of weights and measures, and shall have full power and authority to perform all such matters and things as are required or are granted to him by the peace of any county, city, town, or other jurisdiction in England or Wales, under the provisions of this act, or by any or either of the recited acts; and every such inspector is hereby authorized and empowered to put in force and execute all such powers and franchises as are by this act, or by any or either of the said recited acts, granted to or required of any inspector or inspectors of weights and measures appointed as aforesaid by the justices of the peace in quarter sessions assembled."

Sect. 45. Provided always, "That nothing in this act contained extend or be construed to extend to supersede, limit, take away, or prevent the authority which any person or persons, bodies corporate, or any person appointed at any court leet for any manor, or any jury or ward inquest, may have or possess for mining, regulating, seizing, breaking, or destroying any weight or measures within their respective jurisdictions, or the power

issuing place adjacent to the same, or in the way to or from house, with intent that the contents of such package or any part may be seized or dropped from such package, shall be deemed a ~~malicious~~ ~~offence.~~

Whipping, Punishment of.

THE 1 Geo. IV. c. 57, s. 1, repeals the 57 Geo. III. c. 75.

Sect. 2. "From and after the passing of this act, judgment shall in no case whatever be given and awarded against any females convicted of any offence whatsoever, that such female offenders do suffer the punishment of being whipped, publicly or privately; any law, statute, or usage to the contrary standing."

Sect. 3. "In all cases where the punishment of whipping, publicly or privately, on female offenders, has hitherto formed a part of the judgment or sentence to be pronounced, or has in case been inflicted, it shall and may be lawful for the court of the peace before whom any such offender shall be tried or a pass sentence of confinement to hard labour in the common gaol of correction, for any space of time not exceeding six months than one month; or of solitary confinement therein for an exceeding the space of seven days at any one time, in lieu of that of being publicly or privately whipped, as to the said court or seem most proper: Provided that nothing herein contained shall be construed to extend, in any manner to change, alter, or punishment whatsoever, which may now be by law inflicted in any offence, save and except only the punishment of publicly whipping on female offenders in manner as hereinbefore is enacted."

Sentence of whipping not awarded on female offenders.

Instead thereof, imprisonment or solitary confinement.

Proviso for former laws, except the said punishment.

Discharging fire-arms, &c. at the Queen.

By the 5 & 6 Vict. c. 51, s. 2, ~~ante~~, 306, persons discharging fire-arms, &c. at the Queen, may be punished by whipping, &

Widow, Addition of, see "Indictment," Vol. I.

Wife.

Committing offences with husband.

A WIFE, or *feme covert*, is so much favoured in respect of and authority which her husband has over her, that, in general, she may be committed by her in company with or in the presence of him; the presumption of law is, that she acted under his immediate direction, and she will be excused from punishment. (1 Hawk. c. 1, s. 1 c. 1, s. 1.) Thus a woman who went from shop to shop with him, her husband accompanying her each time to the door, but in, was holden by Bayley, J., to be under her husband's control. *Durham Spring Ass. 1829; Matthew's Dig. 262.*)

In heinous crimes no presumption of coercion allowed.

But if she commit a crime of her own voluntary act, or be in command of her husband in his absence, or be guilty of treason or robbery, or any other crime, *mala in se*, and prohibited by

tenderness to the wife, if a felony be committed in the husband, raises a presumption *prima facie*, and *prima facie* laid down by Lord Hale, (1 Hale, 516,) that it was done in; but it is absolutely necessary that the husband should actually present, and taking a part in the transaction. by the act of the wife. It is, indeed, in consequence of a previously with the husband, that the witness applies to he is ready to deal, and has on her person the articles, era to the witness. There was a putting off before the and it was sufficient if, before that time, she did that Mary to complete the crime. The coercion must be at act done, and then the law, out of tenderness, refers it the coercion of the husband. But when the crime has in his absence, no subsequent act of his (although it make him an accessory to the felony of the wife) can be was done in his absence." (See vide R. v. Price, 8 C. & Uttering coin. woman was acquitted by the common serjeant after con-
est and Colman, J.J., where she was indicted with her isdermeanour in uttering counterfeit coin.)

ion of the husband is only a *presumption* till the contrary upon the evidence, it can clearly appear that the wife was by the husband, but that she was the principal actor and seems to be guilty as well as the husband. (1 Hale,

Receiving stolen goods into her house, knowing them so to up in her chest or chamber, her husband not knowing

Coercion of hus-
band a mere pre-
sumption of law.

thereof; if her husband, so soon as he knoweth thereof, do forsake his house and her company, and make his abode elsewhere, shall not be charged for her offence; whereas otherwise the law puts the fault to him, and not to her. (*Dalt. c. 157.*)

But where husband and wife were convicted jointly of receiving goods, it was holden that the conviction of the wife could not be imputed, though she had been more active than her husband, if it had not been left to the jury to say whether she received the goods in the absence of her husband. (*R. v. Archer, R. & M. 143.*)

Perjury.

A married woman, who swore falsely that she was next of person dying intestate, and so procured administration to the estate, was held responsible for the offence, though her husband was with her when she took the oath. (*R. v. Dicks, 1 Russ. 16.*)

Threatening letter.

So, where a husband delivered a threatening letter ignorant of the agent of the wife, she alone was held to be punishable. (*R. v. 1 Leach, 447.*)

Keeping a bawdy house.

A wife may be indicted together with her husband and punished him for keeping a bawdy-house; for this is an offence as to the management of the house, in which the wife has a principal share; and an offence as may generally be presumed to be managed by the wife of her sex. (*1 Haw. c. 1, s. 12.*)

Keeping a gaming-house.

So, she may be indicted for keeping a gaming-house. (*R. v. Mod. 335. See "Disorderly-House," Vol. II.*)

An assault.

So, for an assault. (*R. v. Cruise, 2 Moody, C. C. 53; P. C. S. C.*)

Penal statute.

And generally a married woman shall answer as much as her husband for an offence, not capital, against the common law or statute, if it be of such a nature that it may be committed by her alone or with the concurrence of her husband, she may be punished for it, her husband, by way of indictment; which being a proceeding founded merely on the breach of the law, the husband shall not be indicted for an offence to which he is no way privy. But if a wife incurs the forfeiture of a penal statute, the husband may be made a party to the information for the same, (as he may generally be a party to any suit of action given by his wife,) and shall be liable to answer when recovered thereupon. (*1 Haw. c. 1, s. 13.*)

Wife pledging.

In the case of the *Attorney General v. Riddle*, (2 Crom. & Ass. 11,) a wife, who was proved to have authority from her husband, maker, to do certain acts in his trade, pledged paper which had a wrapper, label, or departure stamp on it; the chief baron was of opinion at the trial that the husband was not liable for this act of his wife in the court, upon motion, held that the authority of the wife was a sufficient defence to the husband in the eyes of the jury.

Forcible entry.

A married woman by her own act (but not in respect to what she does by others at her command, because all such commands of hers may commit a forcible entry or detainer; and upon the justice of the force, she shall be imprisoned therefore, and she may be fined) in such case: but such fine, set upon the wife, shall not be levied upon the husband; for the husband shall never be charged for the act or default of his wife but when he is made a party to the action, and judgment given against him and his wife. (*Dalt. c. 126; Hussey's case, 1 Foster's case, 11 Rep. 61.*)

Riot or trespass.

Likewise, if she shall commit any riot, or do any trespass or wrong, she is punishable for it; and for trespass done by the wife, a scandal published by her, the action lieth against both the husband and wife, and there the husband is chargeable to the damages or fine set upon the wife but when he is party to the action and judgment. But if a wife, without the husband, be indicted of a trespass, riot, or any other wrong, then she shall answer and be party to the judgment only; and in such case the fine set upon the wife shall not be levied upon the husband; and if the husband's death, such damages or fines shall then be levied.

though she may be privy to his conduct. *Charles Squire*, his wife, were indicted for the murder of a boy, who was a servant to the prisoner *Charles*; and it appeared in both the prisoners had used the apprentice in a most cruel manner, and that the wife had occasionally committed the absence of the husband. But the surgeon who opened the body, that in his judgment the boy died from debility and want of nourishment, and not from the wounds, &c. which he

She not answerable for her husband's breach of duty.

Upon which, *Lawrence*, J., directed the jury, that as the servant of the husband, it was not her duty to provide the sufficient food and nourishment, and that she was not in breach of duty in neglecting to do so; though, if the husband had given her sufficient food for the apprentice, and she had withheld it from him, then she would have been guilty. But

the fact was otherwise; and, therefore, though in *foco concurre* was equally guilty with her husband, yet, in point of law, it could not be said to be guilty of not providing the apprentice with food and nourishment. (*R. v. Squire and wife, Stafford* 1799, 1 *Russ.* 16.)

A woman, indicted jointly with her husband, be described in *Description of indictment*.
it as his wife, she need not prove her marriage, but will be *Proof of marriage*.
exception, if it appear that she acted under his coercion: but
description will be no ground for dismissing the indictment as
if the indictment is joint and several, according to the facts
which appear. (1 *Hale*, 46.) If she be described as a single
woman, she must prove her marriage; (*R. v. Jones, Kel.* 37;) and such
a proof will satisfy the jury of her marriage, although
it is not absolutely necessary that the actual marriage should be proved.

289.) There are, however, several exceptions to this rule. See further, "Evidence," Vol. II.

So, in conspiracy, the wife of one of the defendants shall be allowed to give evidence against any of the others, as to any of them in furtherance of the common design; particularly as to any given connecting the husband with that defendant in the conspiracy. (*R. v. Sergeant, R. & M. N. P.* 352.) So, a man cannot be called to prove a conversation between the prisoner and his husband, which goes to show that her husband and the prisoner committed the felony for which the prisoner is tried. (*R. v. Gleeson*, *Dig.* 849.) But the wife of a person already convicted for the same offence is a competent witness against the prisoner. (*Reg. v. M. W.* & *P.* 284.)

Surety for the
peace against
husband.

But a wife may demand surety of the peace against her husband threatening to beat her outrageously; and a husband also against his wife. (1 *Haw.* c. 60, s. 4.)

And in other criminal cases, the wife may be a witness against her husband, where she is the party grieved; but not in civil cases. (1 *Haw.* c. 164.)

(*R. v. Earl Ferrers*, 1 *Burr.* 631.) An *habeas corpus* was issued commanding *Laurence Earl Ferrers* to bring up the body of his wife, so that she might receive the protection of the court against the Earl. She was required to swear the peace against him if she should think proper. On her complying with the writ of *habeas corpus*, an attachment was granted against him. Upon which, he permitted her to come into court, and she exhibited articles of the peace against him. And the earl was obliged to enter into recognizance accordingly, himself in 5000*l.*, and two of his tenants in 2500*l.* each.

And a recognizance to the same effect has been entered into by the Queen's Bench, within the realm, within a recent date. (See further, "Sureties," Vol. V.)

Defending each
other.

A husband may justify a battery in defence of his wife, and a wife in defence of her husband. (2 *Rol. Ab.* 546, *D.*; 1 *Hawk.* c. 24.)

Woman servant

If a woman, who is a servant, shall marry, yet she must

ised (under a large pen-
sum she should live ;
desire ; and that the
f twisting her by force,
to be a formal renun-
cer, or force her back
pt of the husband to
f the peace. They also
molest her in her pre-
empt of the court ;
y to go where and to

but her sureties only. Cannot be bound by recognisance.

*dictable offence. (R. v. Bell) a wife,
against husbands for
sustained, and impi-
, 27 July, 1818. See*

which, is an act of va- Vagrant.

1 of the marriage, see Right of wife to have children.

upon their oath present,
y of , labourer, son
of our lady the now
Indictment for
publicly exposing
to sale and selling
a wife.

nd arms, did indecently,
billy, in and near certain
presence and hearing of
by the Queen there than
for lucre and gain, one
I A. B., and all his, the
C. D., to any person or
and in order that such
id have unlawful carnal
unlawfully, publicly, and
end of the said E. F.,
rechase and take the said
e sell and dispose of the

... and concerning the D., to the said E. F., for a certain sum of money, to wit, the sum of £], for the unlawful purpose aforesaid: and then and there, in pursuance whereof, unlawfully, publicly, and in the presence and view of the said liege B., deliver the said C. D. into the hands and possession of the said E. F., be intent that the said E. F. might unlawfully cohabit with and have knowledge of the said C. D., and that the said E. F. might commit ~~g~~^y with the said C. D., to the great scandal and subversion of the holy matrimony and religion, and decency, morality, and good order, to the corruption of the morals and manners of her majesty's liege subjects, to the damage of the said C. D., and in contempt of our said lady the Queen in law, and to the great damage and common nuisance of all the liege subjects of our said lady the Queen then and there residing, inhabiting, being, using, to the evil example of all others, and against the peace of our said the Queen, her crown and dignity. And the jurors aforesaid, on their oath Second count. vid, do further present, that the said A. B., on [redacted], at [redacted] aforesaid, being and intending to bring into contempt the holy state of matrimony the duties enjoined thereby, and to vitiate and corrupt the morals of her majesty's subjects, with force and arms, did indecently, immorally, uncleanly, wickedly, and wilfully, publicly, in the presence, view, and hearing of said E. F., and of divers other liege subjects of our said lady the Queen then being, expose to sale and offer to sale to the said E. F., for lucre and hire said C. D., then and there being the lawful wife of the said A. B., for money and in order that the said E. F. might unlawfully cohabit with and

Witchcraft.

have unlawful carnal knowledge of the said C. D.; and did then and lawfully and publicly, in the presence and hearing of the said liege subjects of the said E. F., sell to the said E. F., for a certain sum of money, a sum of [2s. 6d.], for the unlawful purpose aforesaid, and did then and in pursuance of the said last-mentioned sale, unlawfully, publicly, and in the presence of the said liege subjects, deliver the said C. D. unto the said E. F. intent that the said E. F. might unlawfully cohabit with and have carnal knowledge of the said C. D., to the great, &c. [Conclusion of count, from*]. And the jurors, &c., present, that the said A. B. &c., aforesaid, did indecently, immorally, unlawfully, wickedly, and wilfully, publicly, in the presence, view, and hearing of divers liege subjects of our said lady the Queen then and there being, expose and offer him and deliver for money, to be therefore paid to him, the said A. B. C. D., then and there being his lawful wife, to any person, for the purpose of fornication, and in order that the said C. D. might commit adultery with another person; and did then and there publicly and in the presence, view, and hearing of the said liege subjects, dispose of and deliver the said C. D. to the said E. F. a certain other sum of money, to wit, the sum of other [2s. 6d.], for the last aforesaid, in contempt of our said lady the Queen and her laws, damage and common nuisance of all the liege subjects of our said Queen, to the evil example of all others, and against the peace of our said Queen, her crown and dignity. 4th count.—Stating generally, that unlawfully publicly exposed to sale, &c., and did unlawfully sell the said C. D. to a certain other person to the jurors aforesaid known, for a certain other sum of money, &c. 5th count.—Stating to E. F., in order that C. D. might thenceforth live separate and apart from the said A. B., and be no longer under his control, nor be supported or maintained by him, for a certain other sum of money, to wit, &c. 6th count generally an exposing to sale.

Third count.

Fourth count.

Fifth count.

Sixth count.

Wills, As to Stealing and Destroying of, see "Larceny."
—As to Forgery of, see "Forgery," Vol. II.—As to the Execution of, see "Evidence," Vol. II.

Windows, Duty on. See ante, "Taxes (Asses-

Wine. See "Excise," Vol. II.

Witchcraft.

Prosecution for
witchcraft abo-
lished.

BY the 9 Geo. II. c. 5, s. 3, it is enacted, "That no prosecution for witchcraft, sorcery, enchantment, or conjuration, or for any other with any such offence, in any court whatsoever in Britain."

Sect. 4. "And for the more effectual preventing and punishing pretences to such arts or powers as are before mentioned, where persons are frequently deluded and defrauded," it is further

Pretending to
witchcraft.

NING women, considered as wives, or *femes covertes*, see
te, p. 426.
ng women having two husbands, or men two wives, see
, Vol. V.
ng the ravishment of women, see "Rape," Vol. V.
ng the abduction of women, see "Abduction," Vol. I.
ng abortion, see "Abortion," Vol. I.
ng the carnal knowledge of children, see "Children," Vol. I.
ng the employment of, in mines, and collieries, see the 5 & 6
tit. "Mines," Vol. V.
t Hen. VI. c. 9, if any person take by force or otherwise, any Forcing her to
e, having any substance of lands, tenements, or moveable become bound,
enforce her, before she be set at liberty, to bind herself to him
r obligation, such bond shall be void.
Geo. IV. c. 76, s. 27, no suit shall be had in any ecclesiastical Marriage act.
der to compel a celebration of marriage *in facie ecclesie*, by
ny contract of matrimony whatsoever, whether *per verba de*
per verba de futuro. (See Vol. V., tit. "Marriage.")
0 Hen. VI. c. 9, peeresses shall be tried as peers for treason OR Peers how to
be tried.
gment against a woman, in case of high treason, was not the Judgment in trea-
ninst a man-traitor, to be hanged, cut down alive, have the son and felony.
m out, and the body quartered ; but it was to be drawn to the
ecution, and there burned.
, also, was the judgment against a woman in case of petit trea-
ns the judgment against a man, for petit treason, is that he
aged.
' the punishment of burning women is abolished by the 30 Punishment for
. 48, the first section of which enacts that women, convicted of ^{high or petit} treason.

high treason or petit treason, shall not be burned, but shall be burnt at the place of execution, and be there hanged.

In case of felony, the judgment is the same against both woman, to be hanged by the neck till dead. (2 Haw. c. 48, s.

Plea of pregnancy. It is clear, that if a woman quick with child be condemned to treason or felony, she may allege her being with child in order to execution respited, and thereupon the sheriff shall be commanded to bring her into a private room, and to impanel a jury of matrons, to examine whether she be quick with child or not; and, if she be quick with child, the execution shall be respited till her delivery is agreed that a woman cannot demand such respite of execution on account of her being quick with child, more than once. (2 Haw.

By the 1 Geo. IV. c. 57, the punishment of whipping of women was abolished. (See "Whipping," ante.)

Women are not obliged to appear at the torn or leet. (2 s. 11.)

Mr. Hawkins seems to be of opinion that a custom of the serving the office of constable by turns is good; and that with regard to the turn of a woman inhabitant, she must procure one to serve. (2 Haw. c. 10, s. 37.)

And she may be appointed an overseer of the poor. (R. T. R. 395; R. v. Clapp, 4 T. R. 110; R. v. Cook, 521. Vol. IV.)

Wood.

CONCERNING the maliciously destroying wood, fences, &c., see "Malicious Injuries to Property," Vol. V.

Concerning the stealing of wood, fences, &c., see "Laws of England," Vol. III.

As to the duties of customs on wood, &c., see "Excise," Vol. V.

Alice Holt forest. By the 52 Geo. III. c. 72, the Queen is allowed to inclose 1600 acres of land in the forest of Alice Holt, in the county of Hampshire.

Sect. 6. "And, for the better preservation of the trees, whether in woods, heritors, and standills growing, or which may hereafter grow and nourished to grow or be growing in or upon any part of any enclosure so to be made in pursuance of this act, as well be the same shall be inclosed, be it further enacted, that all persons who shall, from and after the passing of this act, unpeel, down, split, bark, peel, damage, deface, destroy, or carry away any tree or other tree, woods, or covert, green stick, or any herit within the said forest as aforesaid, shall be subject and liable to such pains, penalties, and punishments, as are provided by the statutes of this realm to be given, imposed, or inflicted upon persons committing the like offence or offences in the law woods, or coppices, being inclosed, and the private property of his majesty's subjects."

Sect. 7. "That every person who shall wilfully destroy, or shall break down any fence or inclosure, or any part thereof for the protection of any nursery of wood and timber as aforesaid, for the first offence forfeit the sum of 10l.; and for the second the sum of 20l.; and for the third offence shall be deemed a felony, and may be transported to any part beyond the seas for a term of seven years, or be subject to such other punishment as the court shall direct."

Damaging trees in forest of.

Breaking down inclosures in.

such manner, and upon such conditions, as shall be agreed
respectively."

Geo. II. c. 41, this word owners shall extend to tenants for
term of years : Provided, that nothing done by such tenants
as shall have effect or continuance after determination of
state.

Geo. II. c. 36, s. 5, all bodies politic or corporate, whether
in sole, feoffees in trust, executors, administrators, guardians,
or other trustees whatsoever, and the husbands of feme
agree to such inclosure, and such their agreement shall be

And in case the owner of such wastes, woods, or pastures, and
are in number and value of the owners and occupiers of such
shall jointly agree to assign their right for the purpose afore-
other person, such owner shall not have an estate in fee-sim-
or shall be restrained from alienating ; the recompence to be
owner shall be either by a grant of a share of the profit from
such timber or underwood, or by a grant of other lands, or of
of rent-charge issuing out of the ground so inclosed, or out
lands : such equivalent to be held and enjoyed by the owner of
wastes, woods, and pastures, and such as shall be entitled to
reversion, remainder, or succession, in like manner as the
such woods, wastes, or pastures is limited to be held and

the 29 Geo. II. c. 36, s. 2, and 31 Geo. II. c. 41, where any
shall be agreed to be given for such inclosure to or to the
be owners and occupiers of such tenements, it shall be made

meeting to be held for that purpose, public notice thereof being first given on three Sundays before) pay the rents same, and the charges of inclosing and preserving such land the poor rate; and shall apply the profit from the sale of underwood towards the relief of the poor. Note. Here is for the charges of planting.

Sect. 3. And the agreement for such inclosure shall be signed by the parties, and, within three months after thereof, be enrolled by the clerk of the peace where the said wastes, woods, or pastures shall lie.

And by the 10 Geo. III. c. 42, further time is given for provided the same shall have been made on or before 1770. And inclosures made before the passing of this act c. 42, though not strictly according to the directions of the acts, are enacted to be good and valid.

By the 29 Geo. II. c. 36, s. 4, persons aggrieved by any such determination may, within six months after the enrolment, appeal to the determination shall be final. And if no such appeal shall be made, the agreement shall be for ever binding.

Woollen Manufacture.

As to Servants in the Woollen Manufactures, see Vol. V.

HEREIN concerning—

I. *The Winding of Wool*, p. 437.

[8 Hen. VI. c. 22; 23 Hen. VIII. c. 17.]

II. *The Exportation, &c., of Live Sheep and Woollen Manufacture*.

[ie 50 Geo. III. c. 63 repeals the 1 Rich. III. c. 8, 5 Hen. VIII.
Hen. VIII. c. 13, and the 33 Hen. VIII. c. 19.]



I. The Winding of Wool.

[ie 8 Hen. VI. c. 22, no man shall make any inwindings within Deceitful wind.
ce, at the rolling up of his wool; nor put in the same, locks, ing.
oil, tar, stones, sand, earth, grass, nor any dirt; and, if he do,
y grieved may bring his action at common law of trespass and

[ie 23 Hen. VIII. c. 17, no person shall wind any fleece not suffi- Winding wool
washed, except in counties where they do not use to wash sheep; not washed.
ll wind with any fleece, clay, lead, stones, sand, tails, deceitful
ot, cala, comber, lambs' wool, or any other thing whereby the
ay be the more weighty, to the deceit and loss of the buyer (ex-
iere fleeces are sold by number, and not by weight): on pain that
er shall forfeit 6d. a fleece, half to the king, and half to him that
ie.

6 Geo. IV. c. 105, s. 185, repeale the 28 Geo. III. c. 38.



2. The Exportation of Live Sheep and Wool.

Acts prohibiting exportation of wool, &c., repealed.

By the 5 Geo. IV. c. 47, s. 2, from December 10, 1824, all acts parts of acts of the parliaments of Great Britain and Ireland respecting and of the parliament of the United Kingdom of Great Britain and Ireland, whereby the exportation from any part of the United Kingdom or from the islands of Guernsey, Jersey, Alderney, Sark, or Man, to foreign parts, or the carrying coastwise of sheep or lambs' wool, or any manufacture thereof, or of sheep or lambs alive, or of hare or coney or of hare or coney skins, is prohibited or restrained, or whereby packing, marking, or moving of wool, or of any manufactures th within any part of the United Kingdom, or of the islands of Guernsey, Jersey, Alderney, Sark, or Man, is in any way regulated, shall be repealed.

The 6 Geo. IV. c. 105 repeals the 5 Geo. IV. c. 47.

The duties now payable are regulated by the 3 & 4 Will. IV. c. 56 & 5 & 6 Vict. c. 47. (See "Excise," Vol. II.)

Laws for manufacturing wool.

Collecting or carrying ends of yarn, &c.

III. Cards for the Manufacturing of Wool.

By the 6 Geo. IV. c. 105, s. 21, the 13 & 14 Car. II. c. 19, is repealed.

By the 26 Geo. III. c. 76, so much of the 14 Geo. III. c. 71, as Geo. III. c. 37, as prohibited the exportation of wool-cards, or cards not exceeding in value 4s. per pair, and spinners' cards not exceeding 1s. 6d. per pair, used in the woollen manufacture, is repealed.

IV. The Deceitful Working of Woollen Cloth.

By the 49 Geo. III. c. 109, ss. 1, 2, the 43 Eliz. c. 10, 21 Jac. I and 13 Geo. I. c. 23, ss. 3, 4, 6, relating to this head, are repealed.

The 3 & 4 Will. IV. c. 28, repeals the 13 Geo. I. c. 23.

The 5 Geo. IV. c. 83, s. 1, *ante*, "Vagrant," p. 316, repeals Anne, st. 2, c. 23; and sect. 5 inflicts the punishment.

In *R. v. Terrett*, (2 T. R. 735,) it was held, that where proceedings were had before justices, partly under the 13 Geo. I. c. 23, which contained a clause taking away a *certiorari*, and partly under the 17 Geo. I. which had no such clause, those proceedings which were had under the former act could not be removed, but that those which were had under the latter act might. It is to be noticed, this decision took place before the repeal of the 17 Geo. II. c. 5, by the 5 Geo. IV. c. 83, s. 1. (See "Certiorari," Vol. I.)

Taysels to be used, and not cards.

V. The Fulling of Cloth.

By the 4 Edw. IV. c. 1, s. 6, every fuller, in his craft and occupation of fulling, rowing, or tayselling of cloth, shall use taysels, and no person shall deceitfully impairing the said cloth, on pain to yield to the party g his double damage; and every justice of the peace, mayor, master, warden, bailiff, portreeve, constable of hundred, and steward of leet, in the respective liberties, may hear and determine the same, and commit the offender to the next gaol till payment. And also any person not guilty may make information to any such justice, mayor, master, warden, portreeve, or steward, in which case the offender shall forfeit to the

3 Geo. III. c. 15, (repealing the 13 Geo. I. c. 24,) if any person
any woollen goods for mather blacks, not being first dyed
with woad and indigo, he shall forfeit for every piece of long
seys, containing seventy yards or upwards, 5*l.*; of Colchester
hort baye, containing thirty-five yards or upwards, 50*s.*; for
a of other woollen goods, 6*d.* a yard.

any person shall dye any woollen cloth for woaded black, the
being woaded throughout, he shall forfeit 2*s.* a yard.

. And all woollen goods truly mathered black shall be marked
i rose and a blue rose ; and when truly woaded black, shall be
ith a blue rose only ; and if any person shall counterfeit or forge,
&c., any of the said marks, or shall dye, stain, imprint, or affix
mark to or upon any such woollen cloths falsely and deceitfully
or for mathered or woaded blacks, he shall forfeit 4*l.* for every
such woollen goods upon which such mark shall be so stained,

4. If any person shall use any logwood or logwood liquor in dye- Using logwood in
woollen goods blue, he shall forfeit 20*l.* for each piece.

dyeing blue.

5, 6, 7, 8, and 9, relate to the appointment of searchers in Lon- Searchers ap-
d places within ten miles of London. And, by sects. 10, 11, else- pointed and
be justices in sessions shall appoint searchers, who shall have like sworn.

to searchers within the said limits, who shall take the following

*I swear that I will faithfully, impartially, and honestly execute and
the trust reposed in me as a searcher, by virtue of an act of parliament*

public warehouses and other public places, where any cloth or woolen goods intended for exportation, shall be deposited; and every such constable, at seasonable times, in the day-time, enter into any such shop or warehouse, and examine all or any woollen goods dyed black or blue, whether packed or unpacked, and also cut and take away a pattern or sample of every such piece of woollen goods, as he shall think fit, for the purpose of trying and proving the same, such search and examination to be made by the assistance of a constable or other peace officer, of the parish, or by the master or owner of such shop, &c., shall be; and every such constable or other peace officer, or master or owner of such shop, &c., shall be liable to pay a sum of money for every such search and examination, and for every such pattern or sample taken, which sum of money shall be paid to him for that purpose.

Penalties, how to be recovered and applied.

Sect. 14. Prosecutions for offences against this act shall be tried before one justice of the peace, within forty days. By sect. 13, the penalties and forfeitures, shall be recovered in the courts at Westminster; the penalties, if in London, or within the county, shall be recovered before one justice; which justice shall try the offence by confession or oath of one witness, levy the penalties, and make a distress and sale; if sufficient distress cannot be found, and the offender cannot be found, the offender shall be committed to the house of correction, there to be kept to hard labour not exceeding six months. The said penalties, if in London, or within the county, shall go half to the informer, and half in such manner as the justices shall direct; the justices tending any meeting to be holden for the appointment of constables, shall appoint; and the whole of all other forfeitures recovered by virtue of this act, shall go to the seconder.

Sect. 14. If any person is aggrieved by the order of any constable, he may appeal to the next general quarter sessions, giving reasonable notice of such appeal to the prosecutor; the decision of the quarter sessions to be final; the justices there to allow reasonable compensation to the party, to be levied and paid in such manner as is usual in appeals from orders of justices to the general quarter sessions.

Appeal.

VIII. The Stealing of Cloth.

r the space of three months, without bail or mainprize, or
, or they pay the same; and if such person or persons shall
t the said offence, and be thereof convicted as before, then
rry of them, so offending the second time, and being thereof
. shall, over and above the forfeiture of treble the value of the
n goods, woollen yarn, or wool, so found to be recovered and
resaid, be committed to the common gaol as aforesaid, there
r the space of six months, without bail or mainprize; and if
or persons shall again commit the said offence, and be thereof
before, the justice or justices of the peace before whom such
rsons shall be so convicted as aforesaid, shall forthwith issue
warrant to commit the said offender or offenders to the com-
aforesaid, there to remain till the next assizes, or great ses-
the said offender or offenders shall be tried for the said
l in case such offender or offenders shall not, by producing
parties of whom he, she, or they acquired the property or
f such cloth, woollen goods, woollen yarn, or wool, or other-
o the satisfaction of the jury, that he, she, or they lawfully
property or possession of the same, he, she, or they shall be
be guilty of felony, and suffer transportation for the space of
and shall be liable to the same punishment, and to the like
prosecution, trial, and conviction, for returning from such
n, as other felons transported are liable unto by virtue of the
force."

Second offence
six months' im-
prisonment.

Transportation
for seven years for
third offence.

Provided, that if any person or persons so suspected and ap- Appeal to see-
aforesaid, shall find him, her, or themselves aggrieved by ~~sion~~.

8. The Stealing of Cloth.

15 Geo. II. c. 27.

any judgment or determination, which shall be given or made by justice or justices of the peace, by virtue of this act, it shall be lawful to and for such person or persons so aggrieved (unless they have twice before been convicted of the same offence), to the justices of the peace in their general quarter sessions, happen to be held next after such judgment or determination made, who are hereby authorized and empowered to give such make such order therein as to them shall seem meet; and such order, or determination, as shall be by them made upon the same shall be final, to all intents and purposes whatsoever."

IX. The Dressing of Cloth.

Dressing of cloth. The 3 Hen. VII. c. 11, enacting, that no woollen cloth shall till it be barbed, rowed, and shorn, on pain of forfeiting the same to the king, and half to him that will sue, is repealed by the 3 Ge. I. c. 4.

X. Milled or Medley Broad Cloth in particular; in Gloucestershire, Wiltshire, and Somersetshire.

Repeal of acts.

The 49 Geo. III. c. 109, repeals the 13 Rich. II. st. 1, c. 1; Edw. VI. c. 6; 2 & 3 P. & M. c. 11 & 12; 4 & 5 P. & M. c. 10; 4 Jac. I. c. 2; 21 Jac. I. c. 18; 10 Anne, c. 16; 1 Geo. III. c. 15; 13 Geo. I. c. 23, ss. 10, 14; and 5 Geo. III. c. 51, s. 1; the 5 Eliz. c. 4, s. 31, so far as relates to apprentices.

As to apprentices to woollen manufacturers, see post, p. 44

XI. The Yorkshire Manufacture in particular.

Narrow woollen cloth.

By the 11 Geo. II. c. 28, ss. 3, 4, the justices at the Easter yearly, for the West Riding of the county of York, shall appoint such as have served apprenticeships to the trade of making narrow woollen cloth, or have exercised such trade three years, and appoint them searchers; who shall be sworn before a justice well and truly to execute and search such narrow woollen cloth. And in case of the death, absence, or other disability of a searcher, one justice living near another till the next sessions, to be there confirmed, or another.

Sect. 13. Which said cloth may be made of what length the maker shall think fit.

Sects. 1 and 2. He shall weave or set in the head of every narrow woollen cloth the first letters of his name, on pain, on conviction, of forfeiting 20s.

Sect. 1. The same shall be measured when wet at the mill, millman and the searcher, who shall measure it down the middle, and within the lists for the breadth.

The millman shall rivet at one end a seal of lead, to be furnished by the clothier, and shall stamp his own name thereon at length, and breadth in figures: the searcher shall also affix a seal of lead at the other end with his name, with the length and breadth in like manner.

Sects. 1 and 2. And they both shall keep books, wherein shall enter the day and year when milled, the name and place of the owner, and the length and breadth; and shall suffer the searcher to inspect the same.

Sects. 2 and 11. The miller or searcher offending herein, shall be liable to imprisonment for one month, and to a fine of £20, to be recovered on conviction in eight days after the cloth is removed from the mill, and to costs.

'ersons aggrieved by any order or warrant, upon any conviction or justices, may appeal to the next quarter sessions, to fourteen days from the conviction, giving ten days' notice to

And the justices there may, on confirming or disannulling proceedings of the justice or justices, award costs.

Geo. III. c. 51 (which extends to all woollen cloth made in the riding, except such narrow as are provided for by the afore-Geo. II. c. 28), and by the 6 Geo. III. c. 23 (which extends woollen cloths, except as before excepted, and except such as are made for blanketing, and striped duffed blankets), as follows:—

Geo. III. c. 51, s. 2; 6 Geo. III. c. 23, ss. 1, 18, the justices *Searchers*. West Riding (not being dealers in woollen cloth, nor occupiers g-mill), shall, at the Bradford Midsummer sessions, yearly any men as they shall think proper (having been brought up facture of woollen cloth in the said riding, and under sixty), to be *searchers* and *measurers* of cloth at the fulling-mills, *with salaries*.

ie 5 Geo. III. c. 51, s. 7, they shall also appoint *inspectors* *Inspectors*. (twelve in number) of broad woollen cloths, and of the enter grounds, and warehouses; with salaries not less than

supervisors (not exceeding four in number) of the conduct and *Supervisors*. th of the searchers and inspectors; with salaries, not less than and 10*l.* more, if their duty require them to keep a horse.

And by the 5 Geo. III. c. 51, s. 10, if any of the said officers or be displaced, or become incapable, by sickness or other cause during the year, one justice near the place may appoint another to sit at the sessions, to be there confirmed, or another put in his place, by reason of sickness or incapacity.

Sect. 18. The maker of cloth shall weave or sew into the piece by him made, his name and place of abode, either in full or words, or in some common or known abbreviations. 6 Geo. III. c. 51, s. 13.

Sect. 19. At the fulling-mill for every yard of cloth exceeding fifty-eight yards, whether in one cloth or two short cloths or ends, milled in one stock at one time, the owner shall pay to the miller one penny for every yard above fifty-eight, over and above the price of milling a stockful of fifty-eight yards.

Disputes between
clothiers and millers.

Sect. 20. And all disputes between clothiers and millers, touching wages for fulling, milling, or scouring, shall, if such miller be a master or journeyman, and the matter in dispute do not exceed 40s., be determined by a master or journeyman (not being a trader or dealer in woollen manufacture, farmor or master of a fulling-mill), who may, on complaint of the parties, adjudge and give costs not exceeding 10s., and levy the same by distress and payment in ten days.

Searchers may
measure cloths,
&c.

Sect. 3. The searchers shall, at the fulling-mills, measure and weigh the cloths, or half-ends there milled, within six, and not sooner than four hours after the same shall have been streamed or washed, in the stream; and if the same shall not be streamed or washed, within four hours after they come out of the stock.

Sect. 3. Such searcher shall, on one end of every such cloth, be carried from the mill, affix and rivet a seal of lead to be a mark of the maker, and stamp in words and figures upon every such seal the name, and the name of the mill where he is stationed; and upon the residue of the seal the length and breadth of such cloth, together with the number of each of such cloths milled at such mill successively, at No. 1, at the 25th of March yearly, and so continuing pro rata until the 25th of March next following. 6 Geo. III. c. 23, s. 2.

Sect. 3. And shall enter in a book, to be provided by the miller,

or fraudulent account, shall, for the first offence, forfeit 20s.; for 11. The York-shire Manufacture in particular.

If the maker shall take away his cloth before it is measured and within the times before mentioned; or before the money be paid for the same; or shall take away his cloth after nine o'clock in the evening, or before five in the morning, unless the same be measured and paid; he shall forfeit 20s.

5 Geo. III. c. 51.

the 6 Geo. III. c. 23, ss. 7, 8, if any inspector hath reason to suspect any cloth shall be in the possession of any merchant, buyer, cloth-worker, which hath not been truly stamped at the fulling-mill; give notice thereof to such person; describing the cloth by its name or seal; which said person shall give two hours' notice to the inspector of the time when he intends to put the said cloth into order that he may attend the wetting and measuring thereof; if such person shall put the same into water without such notice to the inspector, he shall forfeit 20s. And if any supervisor or inspector shall refuse or neglect to attend for measuring and stamping any roll of cloth as aforesaid, for two hours after notice given to him, he shall forfeit 20s.

5 Geo. III. c. 51, s. 6, the maker of cloth called broad cloth, when it is brought from the mill, and before it is put upon the tenter, shall stamp the same, and affix and rivet a seal of lead upon the other end, thereon the length and breadth.

2. The owner of every tenter shall measure the said tenter, and figures the true length of yards, (at thirty-seven inches to the plaining at number one, and marking every yard distinctly on the back, or on the foreside, on pain of 5l.

6 Geo. III. c. 23, s. 15, if any person shall stretch any cloth a one yard (consisting of thirty-seven inches) in every twenty inches, or more than one inch in twelve in the breadth, beyond the stamp made by the searcher, inspector, or supervisor, who last measured the same, he shall forfeit for the first half-yard overstretched in 2s.; and for every quarter of a yard above such half-yard, 10s.; for the first inch overstretched in breadth, 5s.; and for every inch thereafter, 10s.

1. If any person shall willingly take off, alter, or counterfeit, deface, or cut out any seal affixed on the said cloth as aforesaid, figures, letters, and words thereon stamped, or therein woven or before the cloth shall be put in papers for the press, or into the mill; or if any inspector or supervisor shall find any cloth without such seal as aforesaid, or find such seal defaced, counterfeited, or altered (accidentally lost, or maliciously taken off); or shall find any cloth shall appear by the mark, stamp, or seal affixed thereon to be over-stamped, or the loom-mark specifying the name and place of abode of the weaver to be cut out or altered; every person so offending, or the master, dresser, clothier, or owner, in whose custody such cloth shall be, shall forfeit not exceeding 40s., nor less than 20s.

Taking off seals, &c.

Penalty.

be 49 Geo. III. c. 109, s. 2, the 5 Geo. III. c. 51, s. 23, is re-enacted.

49 Geo. III. c. 109.

16. It shall be lawful for any person, in the striking or plaining of wool, upon the tenters only, to use cards of wire, called fine hatters' cards, for the better laying the wool, and manufacturing the cloth, without being subject to the penalty.

6 Geo. III. c. 23.

be 5 Geo. III. c. 51, s. 11, the inspector or supervisor may, in the 5 Geo. III. c. 51, enter into any shops, outhouses, tenter-grounds, or warehouses, and any person resisting or refusing to permit the same shall be罰ed.

18. The supervisors shall be daily employed in visiting the mills, tenter-grounds, workshops, and places within their districts, and

11. The York-shire Manufacture in particular. every such supervisor shall measure and stamp with a seal of his name impressed on so many of the said cloths as he conve and keep an account thereof; and transmit the same, together accounts received by him from the searchers, to the just quarter sessions. And if any inspector or supervisor be negligent, or shall transmit a false account of the cloths measured forfeit and lose his office.

5 Geo. III. c. 51.

Sect. 9. And if the inspector or supervisor shall find any cloth, or half-cloth, falsely stamped by the searcher, above one inch in more than one third part of the length thereof, or above the length, he shall within seven days give information thereof (not being a dealer, &c.); and such searcher shall, on conviction, forfeit 10s. See the 6 Geo. III. c. 23, s. 3.

6 Geo. III. c. 23.

The 6 Geo. III. c. 23, provides, that it shall not be lawful for an inspector or supervisor to enter into any house, warehouse, or shop of any merchant, dresser, or other dealer in cloth, (unless it shall be made use of for dressing, tentering, or keeping of dressed cloth), under pretence of searching for, or examining, any cloth, or to search or examine any cloth, after the same shall be sent in papers for pressing, or sent to be frized, or otherwise have been manufactured, or fitted for exportation or home consumption.

5 Geo. III. c. 51.

By the 5 Geo. III. c. 51, s. 18, if the maker shall expose any cloth to sale without such mark as aforesaid, or without seals as before mentioned, he shall forfeit 20s. for every such piece.

6 Geo. III. c. 23.

Merchants suspecting cloths may wet them.

By the 6 Geo. III. c. 23, s. 4, the buyer, if he suspect any cloth within forty days after the sale and delivery of such cloth (as the same shall have been raised, rowed, dressed, dyed, or put into cold water not exceeding four hours, and as the same shall be fully wet, shall hang the same across a plain rail not less than two hours, nor more than four; and then immediately the same to be measured by some sworn searcher, measurer, supervisor; and if there shall be found a less quantity in length than in more than one third part of the length thereof than is affixed by the said searcher, inspector, or supervisor before measured the same, in such case, the searcher, &c., who measured the cloth, shall, within three days after such last admeasurement give information thereof to a justice (not being a dealer, searcher, &c., who before measured and stamped the cloth, and knowingly affix such false and fraudulent seals to the same) and the searcher or supervisor who affixed such false seal, before such justice, on the oath of such searcher, supervisor who last measured the said cloth, or of any other witness, shall forfeit, for the first inch in breadth, or half yard in length, in which such cloth or end of cloth shall fall short, 5s.; and for every inch in breadth, or half yard in length, the further sum of 10s. The searcher, inspector, or supervisor, who last measured the cloth, shall, within three days give information as aforesaid, he shall, on conviction, forfeit 40s., and his office, and be disabled holding any office under this act.

Penalties.

Where false seals found, Inspector, &c., to fix new seals, &c.

Sect. 5. Where such false seal shall be found, the searcher or supervisor who last measured the same shall affix and rivet with his name on the rivet, adding the word inspector or supervisor, and, on the seal, the true length, (accounting thirty-seven yards in length), and the breadth between the lists, in inches, shall be the rule in payment, except that (in order to disabuse the buyer of the fraud) the buyer may retain out of the price double the value as was over-stamped: unless the maker shall, within three days of notice of such deficiency, take the cloth again, and repay the money, together with reasonable expenses.

Inspector, &c.

Sect. 6. If the seller or buyer shall suspect that this law

I an account thereof to the said treasurer.

If any offender shall, for ten days after conviction, and notice
to him at his dwelling-house or last place of abode, refuse or
pay any forfeiture by him incurred by reason of this or the said
act, shall not give notice of appeal; then, and not before, the
or any other such justice (on certificate of the conviction sent
issue his warrant of distress to the constable of the town or
liff of the liberty, where the offender dwells, requiring him to
be by distress and sale, rendering the overplus, if any, and
tying the charges of such distress and sale; and where no
stress can be had, the said justice shall commit him to the
reception for any time not exceeding three calendar months.

Persons aggrieved by any order, warrant, or determination of Appeal.

, may appeal to the next sessions, which shall not be held
een days after the cause of appeal shall arise, giving ten days'
party: and the sessions may, if they confirm or disannul
c., allow costs to either party, to be levied and paid as usual
ppel from any order of justices to the sessions.

And the justices, inspectors, and supervisors, shall return to Convictions to be
from time to time an account in writing of all convictions
ppened within their knowledge, and of the penalties levied
yable to the treasurer: and the inspectors and supervisors
> the treasurer, within three months after receipt thereof,
them received on account of such convictions. And every
ecting or refusing to transmit such account within twenty
after any such sessions, or to pay such sums within three

returned to the
sessions.

11. The York- calendar months after receipt thereof, shall, on conviction on the shire Manufacture in particular. one witness before two such justices, forfeit 10l., to be recovered manner as other penalties.

6 Geo. III. c. 23.

Money in the treasurer's hands.

Sessions to settle rates.

Sect. 24. The money in the treasurer's hands, received on the duties and forfeitures, shall, after paying the expenses of the applied for payment of the salaries of the searchers or inspectors or supervisors, in such manner and proportion as the justices at their Midsummer sessions yearly shall appoint.

Sect. 25. The justices, after payment of the charges of the said Midsummer sessions yearly, may make order for increasing the rates to be paid for measuring, stamping, and sealing never to exceed the rates above specified.

XII. Burying of the Dead in Woollen Cloth.

Repeal of acts.

The 54 Geo. III. c. 108, repeals the 30 Car. II. st. 1, c. 3, intituled "An Act for Burying in Woollen," and the 32 Car. II. c. 1, intituled "An additional Act for Burying in Woollen."

Importation.

By the 3 Geo. IV. c. 41, s. 3, the 11 Edw. III. c. 3, and 4 Edw. III. c. 7, prohibiting the importation of foreign woollen, are repealed. the 6 Geo. IV. c. 105, s. 382, the 3 Geo. IV. c. 41, is repealed.

Exportation.

By the 11 & 12 Will. III. c. 22, woollen manufactures shall be custom free.

XIV. Privileges granted to Woolcombers.

May set up trades.

By the 49 Geo. III. c. 109, s. 5, every person who shall have apprenticeship to any branch of the woollen manufacture, or is entitled to exercise the same, and also his wife and children, may exercise such trade, or any other trade or business which they are fit and able for, in any town or place, without suit or molestation of using such trade; and shall not, during the time they exercise such trade, be removable to their place of settlement, by virtue of any law being relative to settlements, until they become actually settled. And if any such, or his wife or child, shall be prosecuted for any such trade as aforesaid, on his making it appear that he has a legal apprenticeship to the said trade, or is the wife or child of a son who has served such apprenticeship, he shall, upon the general issue, be found not guilty, and shall have double costs.

Not removable until chargeable.

May be summoned to make oath of their settlement.

By sects. 6 & 7, two justices, where any such person or his family shall exercise such trade, may summon every such person to them, and examine him on oath concerning the place of his last settlement, who shall obey such summons, and make oath accordingly; and such justices shall give an attested copy of such affidavit, so made, to the person making the same, in order that he may produce such attested copy when required, which attested copy shall be admitted as evidence of such settlement before the justices at any sessions; and if such person or his wife or child, shall again be summoned to make oath as before, on producing such attested copy, he shall not be obliged to give any other or further oath, but shall leave a copy of such attested copy.

Sect. 8. Provided, that this act shall not prejudice the Union

Wreck (a).

1. c. 4; 17 Edw. II. st. 1, c. 11; 12 Anne, st. 2, c. 18; 3. Geo. I. c. 6 Geo. II. c. 19; 48 Geo. III. c. 130; 49 Geo. III. c. 122; 53 Geo. 37; 1 & 2 Geo. IV. c. 7; 7 & 8 Geo. IV. c. 29, ss. 19, 20; 9 Geo. 31, s. 24; 7 Will. IV. & 1 Vict. c. 89, s. 5; c. 87, ss. 8, 10].

Wreck, what, and who entitled to, p. 450.

Assisting of Ships, &c. in Distress, &c.; and herein of Salvage, p. 451.

Cutting away, &c. Buoys, &c. of Ships; Exhibiting False Lights; Impeding Escape of Persons from Wrecks; Stealing from Wrecks; Assaulting Officers endeavouring to save Wrecks, p. 477.

Forms, p. 478.

be in general, Hall on Aquatic p. 293, &c.; Bla. Com. Vol. 0; Vol. II. p. 14; Vol. III. p. - VI. 106. As to the burial of dead bodies cast on shore, see "Bodies," Vol. I.

1. Wreck, what, and who entitled to.

Wreck, what.

Jelsam, slotcam, and ligam.

Living creature escaping.

Goods cast on shore.

Goods floating between high and low water mark.

Meaning of term in the acts as to Customs

I. Wreck, what, and who entitled to.

WRECK of the sea, in legal understanding, is applied to such goods as after shipwreck at sea are by the sea cast upon the land; and the jurisdiction thereof pertaineth not to the lord admiral, but to the common law. (2 Inst. 167.)

None of those goods which are called *jetsam* (from being cast overboard while the ship is in danger, and which there sink and remain in the water), or those called *flotsam* (from floating on the surface of the sea), or those called *ligan* (which lie in the bottom of the sea, but tied up by a cord or buoy, in order to be found again), are to be esteemed wrecks as they remain in or upon the sea, and are not cast upon the land by the sea; but if any of them are cast upon the land by the sea, they are to be reckoned wrecks. (1 Bla. Com. 292.)

Also, by the 3 Edw. I. c. 4, where a man, a dog, or a cat, es-
out of the ship, the ship, or anything therein, shall not be :
wreck.

Which statute being but declaratory of the common law, instances, "a man, a dog, or a cat," are only put for example besides these two kinds of beasts, all other beasts, fowls, and other things are understood, whereby the property of the goods may (2 Inst. 167.)

And it is now holden, that not only if any live thing esc
proof can be made of the property of any of the goods or la
came on shore, they shall not be forfeited as wreck. (1 Bla.
As in the case of *Hamilton v. Davis* (5 Burr. 2732). The shi
The goods cast on shore were sufficiently marked, so as that
might be known. But the lord of the manor refused to deliver
insisting that they were forfeited as wreck, because no living creature
come alive from the ship to the shore. By Lord Mansfield, (case hath been produced in the argument of this cause, to prove
goods were forfeited, because no dog, or cat, or other animal
to shore. I will therefore presume, that there never was any
mination; and that no case could have been determined, so
the principles of law, justice, and humanity. The very idea
shocking. And there is no ground for such a forfeiture, upon
tinction that hath been so much urged, between a man or other
coming to shore alive or not alive. The coming to shore of a
cat alive, can be no better proof than if they should come dead.
The escaping alive makes no sort of difference. If the owner
animal were known, the presumption of the goods belonging to
person would be equally strong, whether the animal were living
And the court were clear and unanimous that the owner was entitled
his goods again, on his paying or tendering a reasonable salvage-charge.

Things floating, though between high and low water mark, touched the ground, cannot be wreccum maris. If fixed to between high and low water mark, though with some water round them, they are wreccum maris. If after having once touched the land, they are again afloat, they are not wreccum maris, but their legal character will depend on the circumstances. (*Rex v. Two Casks of Tallow*, 3 Hagg. 294.)

The term "wreck," in the 3 & 4 Will. IV. c. 52, s. 50, (*see toms,*) is not necessarily limited to goods which become for crown or its grantee, by not being claimed within a year according to statute of Westminster 1 (3 Edw. I. c. 4). As wh imported into this country were warehoused, entered for export shipped for Belgium : the vessel was lost within the English the goods, being partly thrown upon the shore, and partly foul on the sea, and landed, were conveyed to the warehouse of the manor, and immediately claimed by the owner. It was

Anne, st. 2, c. 18, s. 1, "The sheriffs, justices of the peace
ity, or county of a city or town, and also all mayors, bailiffs,
nd officers of corporations and port-towns near adjoining to
all constables, headboroughs, tithingmen, and officers of the
ill and every such places, shall, upon application made to
of them, by or on the behalf of any commander or chief
ship or vessel of any of her majesty's subjects, or others,
ger of being stranded or run on shore, or being stranded or
, are hereby empowered and required to command the con-
several ports within her majesty's dominions, nearest to
where any such ship or vessel shall be in danger, as afore-
and call together as many men as shall be thought ne-
e assistance and for the preservation of such ship or vessel
as aforesaid, and their cargoes; and that if there shall be

Sheriffs, mayors,
&c. and custom-
house officers, to
summon men to
assist ships in
distress.

t 7 Will. IV. c. 60, s. 3,
is so much of the above
as that wrecked goods,
duty, shall be deemed
goods. And by the
47, s. 17, no abatement
ible upon certain goods
shall be made or allowed
damage, &c.

(b) This revenue of wrecks is fre-
quently granted out to lords of manors,
as a royal franchise; and if any one be
thus entitled to wrecks in his own land,
and the king's goods are wrecked there-
on, the king may claim them at any
time, even after the year and day. (1
Bla. Com. 292.)

2. Assisting, &c. any ship or vessel, either man of war or merchant's ship, belonging to her majesty, or any of her subjects, riding at anchor near the place where such ship or vessel is in distress or danger, as aforesaid, the customs and constables above mentioned, or any of them, empowered and required to demand of the superior officers of such ship or vessel so riding at anchor as aforesaid, assistance by their such hands as they can conveniently spare, for the said service and preservation of the said ship or vessel so in distress, as aforesaid in case such superior officer of such ship or vessel riding at anchor as aforesaid, shall refuse or neglect to give such assistance, he for the same the sum of 100*l.*, to be recovered by the superior officer of the said ship or vessel so in distress, as aforesaid, together with costs of suit, in any of her majesty's courts of record, by a bill, plaint, or information, wherein no essoin, wager of law, or other relief shall be allowed."

26 Geo. II. c. 19.

All ships to assist,

on forfeiture of 100*l.*

Notice of ship stranded.

Justices, &c. to attend.

Salvage.

Allowance for attendance.

Persons entering ship without leave,

or hindering the saving the ship, to make double satisfaction.

By the 26 Geo. II. c. 19, s. 6, "for the better ascertaining what to be paid in pursuance of this present act, and the act before and for the more effectual putting the same acts in execution of the peace, mayor, bailiff, collector of the customs, or chief constable who shall be nearest to the place where any ship, goods, or merchandise shall be stranded or cast away, shall forthwith give public notice so to be held as soon as possible, of the sheriff or his deputy, the justices of the peace, mayors, or other chief magistrates of towns corporations and commissioners of the land-tax, or any five or more of them hereby required and empowered to give aid in the execution of the said former act, and to employ proper persons for the saving in distress, and such ships, vessels, and effects, as shall be cast away; and also to examine persons, upon oath, touching concerning the same, or the salvage thereof, and to adjust the quantum of salvage, and distribute the same among the persons concerned in the salvage, in case of disagreement among the parties, or the sheriff and that every such sheriff, justice of the peace, mayor, chief constable, coroner, lord of a manor, under-sheriff, or commissioner of the peace attending and acting at such meeting, shall be paid 4*s.* a-day for his pains in such attendance, out of the goods and effects saved at his care or direction."

Sect. 9. And also the deputy-sheriff and the officers of executors to put these acts in execution.

And by sect. 10, within the cinque-ports, the lord warden of the ports, the lieutenant of Dover Castle, the deputy-warden of the ports, the judge official, and commissary of the Court of Admiralty, shall put the same in execution there.

Sect. 12. "That it shall be lawful for any one or more of the justices of the peace, in case of need, and in the absence of the sheriff, to take sufficient power of the county, to repress all unjustice and duly to enforce the execution of this act."

By the 12 Anne, st. 2, c. 18, s. 3, "if any person or persons, ever, besides those empowered by the said officer of the customs, or his deputy, and the constables as aforesaid, shall enter, or endeavour to enter, on board any such ship or vessel so in distress, as aforesaid, without the leave or consent of the commander or other superior officer of the ship, or of the said officer of the customs, or his deputy, or constable, or some or one of them employed for the service and preservation of the said ship or vessel, as aforesaid; or in case any person shall molest him, them, or any of them, in the saving of the said ship, vessel, or goods, or shall endeavour to impede or hinder the saving of the said ship, vessel, or goods, or when any such goods are saved, shall deface the marks of any such goods, before the same shall be delivered in a book or books for that purpose, provided by the two ruling officers, and the first officer of the customs, as aforesaid,

be 26 Geo. II. c. 19, s. 13, "to prevent confusion among persons assembled to save any ship, vessel, goods, or effects, as aforesaid, by want of proper orders, or by contradictory orders," it is enacted, that persons so assembled shall conform, in the first place, to the orders of masters or other officers or owners, or other persons eminent; and, for want of their presence or directions, then, in order, to the orders of the persons authorized by this act, or the queen Anne, in the like manner, in the following subordination: any of the said persons shall happen to be present: that is to say, place, to the orders of any officer or officers of the customs; then of any officer or officers of the excise; then of the sheriff or his bailiffs; then of any justice or justices of the peace; then of the mayoristrate of any corporation; then of the coroner; then of any collector of the land-tax; then of any chief constable; then of any constable or other peace-officers: and any person whatsoever acting in a wilfully contrary to such orders, shall forfeit any sum not exceeding £100.

, to be levied by warrant of one justice of the peace; and, in payment, the offender shall be committed to the house of correction, not exceeding three months."

Every such sheriff, justice of the peace, mayor, chief magistrate, lord of a manor, under-sheriff, or commissioner of the land-tax, and acting at such meeting shall be paid 4s. a-day for his such attendance, out of the goods and effects saved."

Geo. II. c. 19, s. 5, if any person shall discover to any justice, custom-house or excise officer, where any such goods are sought, sold, or concealed, he shall be entitled to a reasonable recompence adjusted, in case of disagreement as to quantum, as the salary of 12 Anne.

Anne, st. 2, c. 18, s. 4, if goods be found on any person that have been carried off from any ship so in distress, he shall immediately demand, deliver them up to the owner, or person authorized to receive the same, or, in default thereof, shall pay treble the value recovered in an action at law.

sect. 7, if the officer of customs, or his deputy, by fraud or

Orders in case of
shipwreck, &c.

Acting contrary.

Penalty.

2. Assisting, &c. goods, to the said officer of the customs, who shall forthwith the same to the secretary of the Admiralty, who shall publish th the next London Gazette, or so much thereof as shall be nec the information of the persons interested or concerned therein.

12 Ann. st. 2, c.
18.

Reasonable sal-
vage to be made.

* Sic.

Three justices to
adjust the quan-
tum.

Goods not
claimed in twelve
months, to be
sold.

and the monies
transmitted into
the exchequer.

Salvage.

By the 12 Anne, st. 2, c. 18, s. 9, this shall not prejudice th any lords of manors, or others, lawfully claiming wreck, or good jetsam, or lignan.

By sect. 2, "for the encouragement of such persons as shall assistance to such ships or vessels so in distress, as afores enacted, "That the said collectors of the customs, and the commanding officer of any ships or vessels, and all others who or be employed in the preserving of any such ship or vessel in aforesaid, or their cargoes, shall, within thirty days after the s formed, be paid a reasonable reward for the same, by the ci master, or other superior officer, mariners, or owners of the shi so in distress, as aforesaid, or by the merchant whose ship, goods, shall be so saved, as aforesaid; and, in default thereof ship, vessel, or goods so saved, as aforesaid, shall remain in the such officer of the customs, or his deputy, until such time that shall be paid, and until the said officer of the customs, or h and the said master, or other officer of the ship or vessel, and so employed, as aforesaid, shall be reasonably gratified* for assistance and trouble, or good security given for that purp satisfaction of the several parties that are to receive the same; in case, after such salvage, the commander, or other super mariners, or owners of such ship, or vessel so saved, as aforesaid, merchant whose goods shall be so saved, as aforesaid, shall dis the said officer of the customs, or his deputy, touching t deserved by any of the persons so employed, as aforesaid, lawful for the commander of such ship or vessel so saved, or of the goods, or the merchant interested therein, and also fo officer of the customs, or his deputy, to nominate three of the ing justices of the peace, who shall thereupon adjust the qua monies or gratuities to be paid to the several persons acting employed in the salvage of the said ship, vessel, or goods; adjustment shall be binding to all parties, and shall be recove action at law to be brought in any of her majesty's courts of the respective persons to whom the same shall be allotted i justices of peace; and in case it shall happen that no person s to make his claim to all or any the goods that shall be saved and in such case the chief officer of the customs of the near the place where the said ship or vessel was so in distress, as shall apply to three of the nearest justices of the peace, who him or some other responsible person in possession of the s such justices of peace taking an account in writing of the said be signed by such officer of the customs; and if the said good be legally claimed within the space of twelve months next e the rightful owner thereof, then public sale shall be made the perishable goods, forthwith to be sold, and after all charges the residue of the monies arising by such sale, with a fair and jt of the whole, shall be transmitted to her majesty's excheque remain for the benefit of the rightful owner when appearing, affidavit or other proof made of his or their right or property the satisfaction of one of the barons of the coif of the excheq upon his order, receive the same out of the exchequer."

By the 26 Geo. II. c. 19, s. 5, if any persons, not employ masters, mariners, or owners, or other persons lawfully author in the absence of persons so employed, save any vessel or g cause them to be carried, for the benefit of the owners, into p adjoining custom-house, or other place of safe custody, w

in kingdom, whether the same ship or vessel shall be
seen in distress or otherwise, and which shall have been
for, or taken possession of by any such boatman, pilot,
or person, shall send a report in writing of the articles so
ng the marks, if any, the .on, and also an accurate and
option of the bearings, distances, and situations, and time
; the same were so found, to a deputy vice-admiral or his
r to the port or place where such boatman, pilot, hoveller,
shall first arrive with such articles, within forty-eight
or their arrival at such port or place, or before he or they
ort, if he or they shall quit it before that time shall ex-
also, within such period as aforesaid, deliver such articles
proper warehouse or such other place as the vice-admiral
shall appoint for safe custody, until the same shall be
owner or owners thereof, or his, her, or their agent or
salvage, together with such other charges and expenses
as directed to be paid in respect of such articles, paid by
security given for the payment thereof, to the satisfac-
tor or salvors thereof; and every such pilot, boatman,
or person, who shall wilfully and fraudulently keep pos-
tian or conceal, or secrete any anchors or cables, tackle,
re, stores, or materials, or any goods or merchandize, or
, or obliterate the marks and numbers thereon, or alter
manner, with intent thereby directly or indirectly to pre-
ry and identification of such articles so found, weighed,
ken possession of as aforesaid, and shall not report and

Salvage.

Concealing such
articles, forfei-
ture of salvage
and punishment.

2. Assisting, &c. Ships in Distress, &c. deliver the same at some proper warehouse or other place in t aforesaid, and within the time hereinbefore limited, shall forth to salvage, and shall, on conviction, be adjudged and deeme receiving goods knowing them to have been stolen, and shall like punishment as if the same had been stolen on shore." [similar enactment, in the 49 Geo. III. c. 122, s. 1.]

1 & 2 Geo. IV.
c. 75.

Deputy vice-admiral to send report to Trinity House.

No report sent until articles amount to 20*l.*

Deputy vice-admiral may seize goods not reported and deposited, and make report thereof to Trinity House.

* Sic.

In what case one third of value of goods to deputy vice-admiral.

Mode of ascertaining value of articles seized.

If deputy vice-admiral seize by previous information, he and informer to divide 2 sixth parts.

Articles not claimed within a limited time, sold according to 1² Anne, st. 2, c. 1.

Sect. 2. "Every deputy vice-admiral or his agent, to whom report shall be sent, shall within two days forward the same copy thereof, to the secretary of the corporation of the Trinity Deptford Strand in London, and the same shall be placed secretary in some conspicuous situation, for the inspection of choosing to inspect and examine the same: Provided always, port shall be forwarded by such deputy vice-admiral or his said corporation of the Trinity House of Deptford Strand articles so to be deposited as aforesaid, for and in respect of port is required to be made as hereinbefore is directed, shall value to the sum of 20*l.*" [See also a similar enactment in III. c. 122, ss. 2, 3.]

Sect. 3. "It shall be lawful for any deputy vice-admiral or seize and detain any such articles as shall not have been reported manner hereinbefore directed; and upon such seizure such admiral or his agent shall deposit the same in the warehouse place to be appointed as aforesaid, and shall within two days send a report in writing of the articles as* seized, and stating (if any) thereon, to the said corporation of the Trinity House Strand, as before directed, to be made public as aforesaid such deputy vice-admiral or his agent, so seizing, who shall make such report as aforesaid within two days after seizure as aforesaid on conviction before any justice of the peace or magistrate, upon the confession of one credible witness, or on the confession of the party of feit and pay the sum of 20*l.* for every such neglect, together with the value of the goods so seized, one half of which penalty shall be paid to the informer, and the other half to the poor of the parish where such offence shall be committed; and every deputy vice-admiral or his agent, who shall make any such seizure, without any information being given to such deputy vice-admiral or his agent, the same articles being claimed by and delivered to the owner or his or her agent, be entitled to receive such sum of money equal to one third part of the value thereof, after the payment of duties, and any charges incidental to the recovery and delivery of the same." [See also a similar enactment in the 49 Geo. III.

Sect. 4. Provided, that "if the owner and deputy vice-admiral so seizing cannot agree on the value of the articles, such value to be ascertained in like manner as is hereinafter directed will be paid to the person who shall have given the information, such articles to be ascertained in manner aforesaid." [See the 49 Geo. III. c. 122, s. 5.]

Sect. 5. Provided, that "if any such seizure shall have been made by consequence of any information given to any such deputy vice-admiral or his agent, the deputy vice-admiral or his agent so seizing shall be entitled to receive from the owners or their agents of the sixth part of the value thereof, and one other one sixth of such value to be paid to the person who shall have given the information, such articles to be ascertained in manner aforesaid." [See the 49 Geo. III. c. 122, s. 6.]

Sect. 6. "If any such articles, so reported and delivered in some house or other place as aforesaid, shall not be claimed within a day after such report shall have been transmitted to the said corporation of the Trinity House of Deptford Strand, as before mentioned, the same shall be sold, and a certificate of such sale shall be delivered to the chaser thereof, under the directions of the High Court of Admiralty, the monies arising from the sale thereof to be applied in the man-

ryng off from the shore to such ship or vessel any anchors,
or stores from any port or ports of the coast of England and
Twick-upon-Tweed, or for the saving and preserving any
vessel which may have been wrecked, stranded, or cast
off ship or vessel, or for being instrumental in saving the life
of person or persons on board the said ship or vessel, the
said owners of such ship or vessel, or his, her, or their
agents, being present with such justices; and that the said jus-
tices have full power and authority to hear and determine on all
claims of services rendered by pilots, boatmen, and others, to
such ships or vessels (except pilotage), whether such ships or vessels shall at
any time be in distress or not, and that they shall have the like power of
parties or their witnesses upon oath, as last hereinbefore
agreed, and that the decision of such justices shall be final and conclusive Appeal to Admi-
ralty, save and except in such cases in which an appeal shall be allowed.

by either party to the High Court of Admiralty, such
interposed within thirty days after the award of the justices,
so appointed as aforesaid." [See also the 49 Geo. III. c.

In case the party or parties so claiming to be entitled to sal-
vage, or parties who are to pay the same, or their
agents dissatisfied with such award and decision of the justices,
or so to be nominated by them as aforesaid, it shall be law
of them respectively, within ten days after such award is
made, to declare to the justices, or such other person
as by them as aforesaid, his, her, or their desire of obtaining

Persons entitled
to salvage dis-
satisfied may ap-
peal to Admiralty,
but goods to be
restored to owners
on giving bail.

**2. Assisting, &c. the judgment of the High Court of Admiralty respecting the
Ships in Distress, &c.**

1 & 2 Geo. IV.
c. 75.

Bail to be taken
by a commissioner
in prize cases, if
there is one,
otherwise by a
justice.

Certificate of
value and pro-
ceedings.

Evidence.

Persons named
by justices to de-
cide on the
amount of sal-
vage, &c., may
demand from the
owner 2*l.* 2*s.*

Persons fraudu-
lently purchasing
or receiving an-
chors, cables,
&c., considered
receivers of stolen
goods.

Masters of ships
bound to parts
beyond the seas,
finding or taking
on board anchors
and other articles,
to make entry in
the log-book, and
report to Trinity
House, and on
their arrival in
England deliver

and thereupon he, she, or they shall proceed, by taking out within thirty days from the date of the said award ; but in said justices are hereby required and empowered to deliver to and proprietors or their agents any such anchor or cable, or articles, respecting which any claim for salvage shall be made by owners or proprietors thereof, his, her, or their agent, giving sufficient bail in the amount of the sum awarded for salvage, and which bail shall be taken by a commission examinations in prize cases, if there shall be one in the place where such difference shall arise ; but if there shall be no commissioner there, then the said justices, to whom such difference has been referred, or either of them, or any other of his majesty's peace, are and is hereby authorized to take the same ; a commissioner or justice who shall take such bail, shall certify according to the form contained in the schedule hereunto annexed, transmit the same without delay to the High Court of Admiralty with a true certificate in writing of the gross value of the articles respecting which salvage shall be claimed, and also the proceedings and awards, on unstamped paper, certified under the hand of such commissioner or justice taking the bail as aforesaid, same shall be admitted by such Court of Admiralty as evidence in cause. [See also the 49 Geo. III. c. 122, s. 10.]

Sect. 10. " It shall and may be lawful for the person so chosen by the said justices as aforesaid, who shall decide on the amount of salvage to be paid, or on the value of the articles, or on the reward to be made to persons rendering assistance to ships or vessels aforesaid, to demand and receive of and from the owner or owners of the articles saved, or of the ships or vessels in behalf of which may have been rendered, or his, her, or their agents or agents, money not exceeding 2*l.* 2*s.* ; and such owner or owners, or their agent or agents, shall and is and are hereby required to pay such fee or reward, immediately after he shall have made his decision, and on delivery of the same." [See also the 49 Geo. III. c. 122, s. 11.]

Sect. 11. Provides against the offence of cutting away or destroying ropes, &c. See the enactment, *post*, 477.

Sect. 12. " If any person shall knowingly and wilfully, aforesaid, to defraud and injure the true owner or owners thereof, or a person interested therein as aforesaid, purchase or receive any anchor, goods or merchandize which may have been taken up, whether found, or taken possession of, whether the same shall have been taken from a ship or vessel in distress or otherwise, or whether the same had been preserved from any wreck, if the directions hereinbefore given with regard to such articles shall not have been previously given with, such person or persons shall, on conviction thereof, be guilty of receiving stolen goods, knowing the same to be such, and the same had been stolen on shore, and suffer the like punishment as a misdemeanour at the common law, or be liable to be transported for years, at the discretion of the court before which he, she, or they shall be tried." [See also the 49 Geo. III. c. 122, s. 13.]

Sect. 13. " In case the master, mate, or crew of any ship bound to parts beyond the seas, shall find and take on board any anchor, cable, or any goods or merchandize, received from any other person having the command of such ship or vessel, from any other person or persons who found the same, knowing the same to have been so found, or from any other person having the command of such ship or vessel, to make a true entry in the log-book of such ship, of the description of the articles so found or taken on board as aforesaid, stating the name of the ship, and the date of the entry." [See also the 49 Geo. III. c. 122, s. 14.]

shall and may be lawful for the deputy vice-admiral or Fees to be paid
hall make the report required by this act to the said cor- for reports.
Trinity House of Deptford Strand as aforesaid, to receive
owner or owners of the articles in respect of which the
made, or if the same are not claimed, then out of the pro-
thereof, the sum of 1*l.* 1*s.* for each report; and that it
ful for the secretary, or other proper officer of the said
he Trinity House of Deptford Strand, to receive in like
nentioned, the sum of 1*l.* 1*s.* for each report so to be re-
id corporation, to be made publice by them as aforesaid,
ioned sum shall be paid to the said deputy vice-admiral,
ore the delivery of the goods, and accounted for by him
house." [See also the 49 Geo. III. c. 122, s. 15]

nd whereas pilots, hovellers, boatmen, and other persons
have for many years conveyed anchors and cables which
weighed, swept for, or taken possession of by them as
ich they may have purchased of other persons, knowing
en weighed, swept for, or taken possession of, without
n aforesaid, to foreign countries, and there sold and dis-
e manifest injury and loss of the owners thereof; for
eof, be it further enacted, That every pilot, hoveller, boat-
ter of any such vessel, who shall convey any such anchor
foreign port, harbour, creek, or bay, and there sell and
me, shall be deemed and adjudged guilty of felony, and
rted for any term not exceeding seven years." [See also
. c. 122, s. 16.]

Selling or dis-
posing of anch
or cables weig
for, &c., in
foreign countr
felony.

to be granted on
affidavit stating
as herein men-
tioned.

First offence.

Further offence.

Dealers to keep
account of old
stores bought by
them;

to advertise be-
fore cutting up of
cordage.

Persons herein
described may
demand inspec-
tion of books.

"any cable, hawser, or hovey the same into jaws or paper en-
tance whatsoever, without first obtaining a permit from
the peace or magistrate residing near to the residence to
which permit shall not be granted, unless an affidavit is
made that the cable so intended to be cut up had been
chased, and without fraud, by the party so intending to do
and without any knowledge or suspicion on his or her part
had been or were dishonestly come by; and in which affi-
davit be specified the particular quality and description of such
name or names of the seller or sellers thereof; which affi-
davit and set forth at length in the permit thereupon given
forfeiting, for the first offence, any sum not exceeding 20
10*l.*; and for every second or further offence, any sum not
nor less than 20*l.*, to be recovered before any justice of the
half thereof to go to the informer, and the other half to the
parish in which such offence shall have been committed."

[49 Geo. III. c. 122, s. 17.]

Sect. 17. "For the more effectual prevention of such fraude in such marine stores, as aforesaid, shall keep a book or bo-
ten, in which entries shall be from time to time regularly made of all old marine stores as shall be by them from time to time b-
ing a true account and description of the times when they were respectively bought by them, and of the names and places
of the respective sellers thereof; and before any person who shall have obtained a permit for the cutting up of any such cable (as hereinbefore
obtained,) shall proceed to cut up the same by virtue therof, it shall be published, by the space of one week at least before the
same, one or more advertisement or advertisements in some
paper printed nearest to the storehouse, warehouse, or dock where
articles shall be deposited, notifying that such party had
a permit for the purpose of cutting up such cable, and of its
quality as therein described, and also specifying the place
where the articles shall be deposited; whereupon it shall be lawful for
any person or persons who may have just cause to suspect that
the same are the property of such person or persons, and shall have
sworn the fact of such his or their suspicion before any

nts of the several particulars hereinbefore required to be en- 2. Assisting, &c.
be made, or to permit such inspection or examination as *Ships in Dis-*
shall, after obtaining such permit for the cutting up of any *trees, &c.*
nd before the cutting up of the same, neglect to publish _____
such advertisement or advertisements relative thereto, as is
directed and required, the dealer or dealers so offending in
the particulars hereinbefore mentioned, shall forfeit and pay
h offence, being his, her, or their first offence, any sum not First offence.
, nor less than 10*l.*; and for every second or further of- Farther offence.
n not exceeding 50*l.*, nor less than 20*l.*; one half of which
on conviction before any justice of the peace or magistrate
an aforesaid, be paid to the informer, and the other half to
e parish or township in which such offences shall be com-
in case any of the penalties by this act imposed shall not be
charges incident to the conviction, immediately upon such
e same shall and may be levied by warrant under the
l of such justice of the peace or magistrate, upon the goods
f any such offender or offenders; and in case no sufficient Recovery of
be found, then every such offender or offenders shall and
itted by any justice of the peace or magistrate as aforesaid
e of any first offence, for the space of six calendar months;
any second or further offence, for the space of twelve calen-
unless the said penalty and the charges shall be sooner paid."

49 Geo. III. c. 122, s. 18.]

All manufacturers of anchors and kedge-anchors shall place Manufacturers of
eir name or names, together with a progressive number, and
ht of the anchor, in legible characters upon the crown, and
; shank under the stock of each anchor, which he, she, or
nufacture; and shall also place his, her, or their name or
er with a number, and also the weight of the kedge-anchor,
own, and also upon the shank near to the stock of every
turer shall neglect to place such name, number, or weight
er hereinbefore directed and required, every such person
o offending, shall, on conviction before any justice of the
istrate, on the oath of one credible witness, or on the
the party so offending, forfeit and pay any sum not exceed-
ess than 40*s.*; one half of which penalty shall be paid to the
l the other half to the poor of the parish or township in which
shall be committed." [See also the 49 Geo. III. c. 122, s.

' All and every justice or justices of the peace before whom Form of convic-
hall be convicted of any offence against this act, shall and tion.
he conviction to be drawn up according to the following
et.

*embered, that, on the day of , in the year of our
, A. B. is convicted before me, , [or ' us '], one [or,
case may be] of his majesty's justices of the peace for the
he offence, and the time and place when and where committed,
y be]; contrary to an act passed in the second year of the reign
jesty king George the Fourth, intituled [here insert the title of
p. 455]. Given under my hand and seal [or, ' our hands and
y and year first above written.*

*orari, or other writ or process for the removal of any such
r any proceedings thereon, into any of his majesty's courts of
estminster, shall be allowed or granted." [See also the 49
22, s. 20.]*

' It shall and may be lawful to and for any person or per- Appeal from con-
ected by any justice or justices of the peace before mentioned,
or offences against this act, within three calendar months
h conviction, to appeal to the justices of the peace assembled
quarter sessions.

2. Assisting, &c. at the general quarter sessions holden for the county, city, or place where ships are found, or where they are to be distrained, &c.

1 & 2 Geo. IV.
c. 75.

Notice.

Proof of notice.

Decision final.

No certiorari, &c.

Inhabitants competent witnesses.

Offences tried in county where articles found, or if sold in foreign parts, where offenders reside.

Proviso for 48 Geo. III. c. 130

and for 48 Geo. III. c. 104.

Reservation of rights of High Court of Admiralty, &c.

Rights of crown, and of lords and ladies of manors.

the matter of appeal shall arise, first giving ten days' notice of such appeal to the person or persons appealed against, and of the matter of appeal, and entering into a recognizance before some justice of the peace of the county, city, or place, with two sufficient sureties, conditioned to appear, and for abiding the determination of the court therein; justices at the general quarter sessions shall, upon due process of law having been given and recognizance entered into, hear and determine the matter of such appeal, and may either confirm or annul the said conviction, and award such costs to either party as shall seem just and reasonable, and the decision of the court therein shall be final, binding, and conclusive; and no process had or taken in pursuance of this act shall be quashed or vacated of form only, or be removed by certiorari or any other writ whatsoever, into any of his majesty's courts of record at Westminster or elsewhere; any law or statute to the contrary thereof in anywise notwithstanding." [See also the 49 Geo. III. c. 122, s. 21.]

Sect. 21. Provided, "That the inhabitants of any parish, town, or place, shall be deemed and taken to be competent witnesses, in the course of proving the commission of any offence against this act, within the limits of such parish, township, or place, notwithstanding the time when the same was committed, or may be given, or may be liable to the poor of such parish, township, or place, or others, for the benefit or use, or in aid or in exoneration of such parish, town, or place." [See also the 49 Geo. III. c. 122, s. 22.]

Sect. 22. "All felonies, misdemeanours, and other offences within the limits of any county, shall and may be laid to be committed, and shall be tried and punished in the county (being a county) where any such article, matter, or thing, relation to which such offence shall have been committed, shall be found in the possession of the person committing the offence, or where the same shall have been sold in foreign parts, then in the county which the person selling the same shall reside." [See also the 49 Geo. III. c. 122, s. 23.]

Sect. 23. Provided, "That nothing in this act contained shall be construed to extend to or be in force within the limits of any place directed in an act passed in the forty-eighth year of the reign of his late majesty, intituled, 'An Act for preventing the various Fraud and Predations committed on Merchants, Shipowners, and Under-Boatmen and others, within the Jurisdiction of the Cinque Ports, and also for remedying certain Defects relative to the Adjustment under a Statute made in the Twelfth Year of the Reign of Queen Anne; or in any manner to affect any of the Clauses of the said act; but the said recited act shall remain in full force within the limits therein specified, as if this act had not been passed; and also, that nothing in this act contained shall extend or be construed to repeal, take away, or alter any of the clauses, powers, or provisions contained in an act of parliament made in the forty-eighth year of his late majesty, intituled, 'An Act for the better Supply of Pilots, and of the Pilotage of Ships and Vessels navigating the Seas; but that the said act shall remain in full force as if this act had been passed.'"

By sections 24 and 25, this act is not to extend to take away or prejudice, or impeach, in any manner whatever, the jurisdiction of the Admiralty Court of England, or of the Admiralty Court of the Cinque Ports, or of the Admiralty Court of the Borough of Great Yarmouth, in Norfolk, or of the Admiralty Court of the Borough of Dunwich, in Suffolk, or of the Admiralty Court of the Borough of Southampton, in Hants, or of the Admiralty Court of the Borough of Southwold, in Suffolk, or of the Admiralty Court of the Borough of Regis, in Norfolk; nor to deprive or in any ways prejudice the king, his majesty, or any patentee or grantee of the crown, or any lord

Act for charging Foreign Liquors and Tobacco, Derelict, un, Lagan, or Wreck, brought or coming into Great Britain, is payable on Importation of such Liquors and Tobacco.'"
52 Geo. III. c. 159; 53 Geo. III. c. 87, s. 2.]

When any goods which shall be found or taken possession
l or lady of any manor, or person entitled or claiming to be
ick of the sea, or to goods found flotsam, jetsam or lagan, or
it or servant, or by any vice-admiral, or his deputy or agent,
cer or other person whatsoever acting by or under the au-
act, or of an act passed in the present session of parliament,
*Act to continue and amend certain Acts for preventing
s and Depredations committed on Merchants, Shipowners,*
ters, by Boatmen and others within the Jurisdiction of the
' shall be of so perishable a nature, or so much injured or
t the same cannot be kept, then and in every such case such
id may, at the request of any of the persons interested or
tein, or in the saving and preserving thereof, by and with
id approbation of some justice of the peace, not interested or
the same, or in the saving or preserving thereof, and in the
ich justice, or of some person for that purpose specially ap-
ch justice, be sold by public auction or private contract, as
may direct by some writing under his hand, which writing
an accurate and particular account of the goods, and of the
iy be thereon, or other particulars belonging thereto, and of
places of the finding and intended sale thereof; and the *Money to be de-*
by such sale, after defraying the reasonable expenses of the *posited in hands*
itled and allowed by such justice, shall be deposited and *of lord of manor,*
&c.

2. Assisting, &c. remain in the hands of the lord or lady of the manor, or other deputy vice-admiral, who would have received the custody of so sold, to abide and be subject and liable to the claims of all p like manner as the goods themselves would be subject and li maining unsold: Provided always, that all persons required to reports to the deputy vice-admiral of the finding of any good case of any such sale as last aforesaid, likewise transmit to st vice-admiral an account of such sale, and of the proceeds th the said deputy vice-admiral shall forward such reports to the of the Trinity House of Deptford Strond, within the like p under and subject to the like penalties and forfeitures for a therein, as in cases of any goods found and required to be rep the provisions of the said recited act and this act." [See also III. c. 87, s. 3; and 1 & 2 Geo. IV. c. 76, post, p. 467.]

1 & 2 Geo. IV.
c. 75.

Account of sale
transmitted to
deputy vice-ad-
miral, who is to
forward reports
to secretary of
Trinity House.

Goods saved from
vessels wrecked,
to be forwarded,
to the ports of
their original
destination.

Deputy vice-ad-
miral, &c., with
carriages, may
pass over private
lands near the
coast where the
vessels are
wrecked, for the
preservation of
the wreck, &c.

If no other fit
road.

Compensation to
occupiers.

If disagreement,
two justices to
settle it.

* Sic.

Sect. 28. "It shall and may be lawful to and for the comm customs and excise, and they are hereby required, to permit wares, and merchandize saved from any vessel or vessels a wrecked on their respective homeward voyage, to be forwar port or ports of their original destination; and also to permit g and merchandize saved from any vessel or vessels stranded or their respective outward voyage, to be returned to the port which the same were shipped; but such commissioners are to rity for the due protection of the revenue in respect of such g and merchandize."

Sect. 29. "It shall be lawful for the deputy vice-admiral o the coast where any ship or vessel shall be stranded or wrecke any wreck of the sea or goods shall be cast on shore, and fo and also for the owner or master of any such ship or vessel, owners of any such goods, or of any part thereof, and for al the customs or excise, and other officer, and for all persons employed or acting in aid of, or in the assisting of any such admiral, officer, master, or owner as aforesaid, in the saving o any such ship, or vessel, or the cargo, stores, tackle, or o belonging to the same, or the preserving the lives of the crew belonging thereto, or of any wreck as aforesaid, to pass and their horses, carts, carriages, or servants, over any lands nea of the sea-coast where such vessel shall be so wrecked or str which such wreck shall be cast, without interruption or ob the owner or occupier thereof, for the purpose of rendering saving, recovering, and preserving any such ship or vessel, stores, or any cables, anchors, spars, masts, cordage, or ot articles belonging to any ship or vessel, or for saving or othe ing in preserving the lives of the crew, or of any persons on t such ship or vessel, or for the taking possession of, and secu benefit of the owners thereof, of any wreck or goods, or other on shore, or found on shore, or found near thereto, provided be no road by which the parties may pass and repass with a venience and expedition as over such lands; and also to place timber, or any part of the wreck, or any goods or stores remo from any such ship or vessel, or any other wreck or goods upon any such land for a reasonable time, until they can be some warehouse or safe place of deposit, making compensa occupier of such lands for any damage done by the means afor compensation shall be a charge upon the wreck or goods in res the damage may be done, in like manner as salvage; and parties cannot agree as to the amount thereof, then the ss ascertained and settled by two justices of the peace, or of* a to be named by them, in such manner and within such t amount of salvage is directed to be ascertained and settled recited act in the forty-ninth year of his said majesty's reign.' the 53 Geo. III. c. 87, s. 4.]

'That any question in relation to salvage of any ship or vessel, which shall be performed between high and low water, and be deemed to be within the jurisdiction or cognizance of the Court of Admiralty, or of his majesty's courts of record at Westminster, anything in any act or acts of parliament to the contrary notwithstanding.' [See also the 53 Geo. III. c. 87, s. 6.]

Jurisdiction of
courts respecting
questions of
salvage.

'That in every case in which any damage shall be done by a foreign ship or vessel to any British ship or vessel, barge, boat, or any buoy or beacon, in any harbour, port, river, or creek, appear on a summary application, made to any judge of any of his majesty's courts of record at Westminster, or to the judge of the Court of Admiralty respectively, that such damage or loss has been sustained or arisen by the misconduct or negligence of the master or owners of such foreign ship or vessel, then and in such case it shall be lawful for such judge to cause such foreign ship or vessel, in the harbour, port, river, or creek, to be arrested and detained, master, or owner, or consignee, or some agent of the owner, or signee of such ship or vessel, shall undertake to appear and in any action which may be brought for such loss or damage, give sufficient security, by bail or otherwise, for all costs and expenses recovered, as shall be directed and ordered by such judge, if in the trial of such action or suit, appear that such loss or damage have arisen from such negligence or misconduct as aforesaid; in any action or suit the person giving security shall be made defendant, and it shall be stated to be the owner of the foreign ship or vessel damaged; and it shall not be necessary in any such action or any other evidence of the liability of such person to such damage, than the production of the order of the judge, made in such security as aforesaid.' [See also the 53 Geo. III. c. 87,

In case of damage
done by a foreign
vessel in harbour,
&c., judge may
cause vessel to be
arrested until
owners, &c. un-
dertake to ap-
pear and be de-
fendant in any
action.

'That all penalties and forfeitures above the sum of 20*l.*, or by an act, or by an act passed in the present session of parliament, in an Act to continue and amend certain Acts for preventing the Piracies and Depredations committed on Merchants, Ship Owners, Masters, by Boatmen and others, within the Jurisdiction of the Admiralty, of which no part has been made to be

Penalties how re-
coverable.

**2. Assisting, &c.
Ships in Distress, &c.**

**1 & 2 Geo. IV.
c. 75.**

Trinity House.

**Reservation of
rights of city of
London.**

**Scotland and Ire-
land.**

**For the better ad-
justment and pay-
ment of salvage
pursuant to 12
Anne, st. 2, c. 18.**

**Property saved
may be sold, so
far as necessary
to defray the ex-
pense of salvage.**

The 49 Geo. III. c. 122, s. 28, contains a similar saving for the House of Deptford Strand, which is not repeated in the 1 & 2 c. 75.

Sect. 35. The act is not to extend so as to prejudice or take right of the mayor of the city of London, or of the mayor monalty and citizens of the city of London, in and upon the Thames and Medway. [See also the 49 Geo. III. c. 122, s. 30]

Sect. 36. The act is not to extend to Scotland and Ireland. [See also the 49 Geo. III. c. 122, s. 31.]

Sect. 37. "And whereas it is expedient that the like means sively adjusting and recovering the quantum of the monies or to be paid to the said several persons acting or being employ salvage of any ship or vessel, or the materials or stores belongir or goods or persons on board thereof, should subsist, and be applicable in cases where the salvors shall have acted under and t plicable in cases where the salvors shall have acted under and t plement and authority of any magistrate, or of the commandr superior officers, mariners, or owners of any ship or vessel in d are now by law provided for adjusting the quantum of such gratuities which shall have become due in cases where applic have been first made to the officers of the customs, or other the officers in that behalf named and appointed in and by a certain in the twelfth year of the reign of Queen Anne, intituled "An Act for preserving all such Ships and Goods thereof which shall ha forced on Shore or stranded upon the Coasts of this Kingdom other of Her Majesty's Dominions," and where such assistance s upon have been rendered, in pursuance of the provision of the be it therefore enacted, that all and every the means which is the said last-mentioned act subsist, and may now be by law the conclusively adjusting, and for the recovering of the quant monies or gratuities to be paid to the several persons acting employed in the salvage of any ship or vessel, or the material belonging thereto, or goods, in cases where application shall first made pursuant to the said act, to officers of the custom the officer or officers in that behalf mentioned, and assistance been thereupon rendered and had, in pursuance of the provisi said act, shall be by law applicable and available, in like mai intents and purposes, in cases where the salvors shall have a and by the employment and authority of any magistrate, or o mander or other superior officers, mariners, or owners of a vessel in distress, although no such application shall have bee nor any authority or assistance derived from, any officer of th or other the officer or officers in the said statute in that behalf and thereupon, upon payment or tender and refusal of the q the monies or gratuities to be paid to the several persons who acted or been employed in such salvage, or in case such paymen cannot be made, on security being given for the true payment the satisfaction of the justices who shall have adjusted such q gratuities, it shall not be lawful for any officer of the custom person or persons having the possession or custody of such s materials, stores, or goods, any longer to retain the possession of the same, or any part thereof, by reason or pretence of ar right to a compensation or gratuity of such salvage as afores having acted or been employed therein." [See also the 49 c. 122, s. 32.]

Sect. 38. "In all cases it shall be lawful for the owner or ov the owner or owners refuse, for the salvors, to sell so much e perty saved as will be sufficient to defray the salvage adjudi expenses attending the same, and such other reasonable charg penses respecting the said property as shall be allowed by the F of Admiralty, or by the justices acting in execution of the provis

but a * production of an order or decree from the High Court 2. Assisting, &c.
ity, or of an award made by the justices acting in execution of *Ships in Dis-*
sions of this act the commissioners of the customs and excise free, &c.
empowered and required, and they are hereby empowered and
to allow the sale of such goods aforesaid, free from the payment
as: Provided nevertheless, that in all cases in which they may * Sic in act.
writable, it shall be lawful for the commissioners of the customs
to refer any such award, which may be produced to them from
acting in execution of the provisions of this act, to the judg-
revision of the High Court of Admiralty.”
declares the act to be a public act.

1 & 2 Geo. IV.
c. 75.

- Award may be referred by customs or excise to Court of Admiralty.

Public act.

SCHEDULE TO WHICH THIS ACT REFERS.

day of , in the year of our Lord , before me, Schedule.
, in the county of , [ship's name], A. B. [here insert
of the salvors against, and name the stores and other articles (id est)
[cables, &c., as the case may be], certain goods and merchandizes
of and taken possession of, and belonging to the said ship, whereof
master, and also against the said , master, and the owners [or
in whom appear by themselves or agents, then leave out the master's
said goods and merchandise, in a cause of salvage [master's name]
appeared personally , of , and , of , who
themselves as sureties for the said , the master, and for the
said goods and merchandise; and, submitting themselves to the
of the High Court of Admiralty of England, bound themselves, their
heirs, and administrators, for the master and owners of the said
merchandise, in the sum of , of lawful money of Great Britain,
id. , to answer such salvage and expenses, or the value of the
[as case may be], as shall be hereinafter decreed by the said court,
the tenor of the act in that case made and provided; and, unless
to do, they hereby consent that execution shall issue forth against
heirs, executors, and administrators' goods and chattels, wherever
all be found, to the value of the sum above mentioned.

1 & 2 Geo. IV. c. 76, intituled, " An Act to continue and amend Salvage. for preventing the various Frauds and Depredations committed by Merchants, Ship-owners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports ; and also for reme-
dying certain Defects relative to the adjustment of Salvage, under a Statute made in the 12th Year of the Reign of her late Majesty, Queen Anne, " reciting that, " Whereas by an act passed in the 48th year of the reign of her late
majesty king George the Third, intituled, ' An Act for preventing Frauds and Depredations committed on Merchants, Ship-owners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports ; and also for remedying certain Defects relative to the Adjustment of Salvage, under a Statute made in the 12th Year of her late Queen Anne,' which act was to continue in force for seven years from thence to the end of the next session of parliament ; and by an act passed in the 53rd year of his late majesty, king George the Third, the said above-recited act, except so far as the same was further continued in force for seven years from the passing of the said act, and from thence to the end of the next session of parliament, and no longer ; and whereas it is expedient that the said act should be further continued, except so far as the same are inconsistent with his act : " it is enacted, " That it shall and may be lawful for the Lord Warden of the Cinque Ports, for the time being, to nominate and appoint commissioners to determine differences

2. Assisting, &c. or more substantial persons in each of the Cinque Ports, two towns, and their members, to adjust and determine any difference to salvage (which may arise) between the master of any vessel person or persons bringing such cables and anchors ashore; as any ship or vessel shall be either forced or cut from her anchors, by extremity of weather, or by any other accident what leave the same in any roadstead, or other place within the jurisdiction of the Cinque Ports, two ancient towns, and their members, and the cannot be adjusted between the persons concerned, then the same be determined by any three or more of the said persons so to be as aforesaid, within the space of twenty-four hours after such shall be referred to them for their determination thereof, according to custom to the contrary in anywise notwithstanding: Provided that such commissioners shall, immediately after their nomination, proceed to elect some fit and proper person, who shall be a notary extraordinary in Chancery, as their secretary or register.* except at the port of Dover, where the register for the time being of the Admiralty of the Cinque Ports shall be the register; * and which or register,* shall enter in a book, to be kept for that purpose proceedings of such commissioners, and also a copy of the same they shall from time to time make; but such election of secretary registers,* shall be subject to the approbation of the lord warden at the time being.” [See also the 48 Geo. III. c. 130, s. 1.]

Sect. 2. “It shall be lawful for the said commissioners, to be as aforesaid, to decide on all claims and demands whatever which may be made by pilots, hovellers, boatmen, and other persons of any sort or description rendered to any ship or vessel, carrying off from the shore to such ship or vessel, any anchor or other stores from any part or port of the coast of Kent, Sussex, the Isle of Thanet, within the jurisdiction aforesaid, as for saving and conveying such ships and vessels from the Downs, and roadsteads on the coast of Kent, Sussex, and Essex, and of Thanet, or from the sea or any other place, to Ramsgate, or any other harbour, port, or place, on the said coasts, within the jurisdiction aforesaid, or for the saving and preserving, within the jurisdiction aforesaid, any goods or merchandize wrecked, stranded, or cast away from any ship or vessel, the master or owners thereof, or their agents present at the place where the commissioners shall be sitting, the said commissioners shall have full power and authority to determine on all cases whatever of services rendered by pilot and others, to shipping within the jurisdiction aforesaid, whether ships or vessels shall be in distress or not; and that it shall be the duty of the said commissioners, whenever they see occasion, to examine ties or their witnesses upon their oath, which oath shall be administered by the said secretary or register.”* [See also the 48 Geo. III. c. 130, s. 2.]

Sect. 3. “It shall be lawful for the commissioners so to be as aforesaid, and their secretary or register as aforesaid, who shall decide on all claims or demands as aforesaid, to demand and receive of the owners of such ships or vessels, or the proprietors of any such merchandizes, against whom any pilot, boatman, or other person shall make any claim or demand for services of any sort rendered to any ship or vessel, or for the sole saving and preserving any goods or merchandizes wrecked, stranded, or cast away, within the jurisdiction aforesaid, and such owners and proprietors are hereby required to pay a fee or reward for deciding on every such claim and demand as adjudged to them in that behalf by the lord warden of the Cinque Ports for the time being: Provided always, that no person to be a commissioner by virtue of this act shall have power or authority to act at any other port or place than that in which he is resident, or his usual place of residence is not distant more than one mile from the place of his residence.”

Who are to appoint a secretary, subject to approbation of lord warden.

Proceedings entered.

* Sic.

Power to commissioners to settle all differences which may arise within the limits herein mentioned.

* Sic.

Commissioners and secretary to be paid by owners, &c.

Fees as allowed by the lord warden.

No commissioner to act out of place of residence.

In case the party or parties so claiming to be entitled to sal- Appeal to Admi-
xension for services rendered as aforesaid, or the party or ralty, or Admi-
are to pay the same, or their agents, shall be dissatisfied with ralty of the
and decision of the commissioners, it shall and may be lawful Cinque Ports ;
them respectively, within eight days after such award is but ship to be
it afterwards, to declare to the commissioners his or their liberated, on bail
claiming the judgment of some competent Court of Admiralty in double amount
e said salvage or compensation as aforesaid ; and thereupon of award.

parties shall forthwith be required by the commissioners to her he or they will proceed in the Court of Admiralty of the s, or the High Court of Admiralty of England, and he or proceed within twenty days from the date of such award, t a monition against the adverse party ; but in such case the sioners are hereby empowered and required to permit the l her cargo, notwithstanding such declaration and proceed- t on her voyage, or to deliver to the owners and proprietors, ts, any goods or merchandizes respecting which any claim shall be made upon the owners or proprietors of the same, or giving good and sufficient bail in double the amount of the l ; and which bail the said commissioners, or any of them, Ball to be taken
ereby authorized to take and certify according to the form and certified ac-
ording to sche-
dule annexed.

the schedule hereunto annexed, and to transmit the same y to the Court of Admiralty, in which the intention of pro- l be so declared, together with a true certificate in writing of lue of the whole ship and cargo, or other goods and mer- specting which salvage shall be claimed, and also an official i proceedings and awards, certified by the said secretary or the same shall be admitted by such Court of Admiralty as he cause." [See also the 48 Geo. III. c. 130, s. 5.]

provided, "that on an appeal so as aforesaid being made to the Appeal conclu-
niralty of the Cinque Ports, or to the High Court of Admi- sive.
se shall be taken and held to be final, and no ulterior appeal
e of the Court of Admiralty of the Cinque Ports, or from
art of Admiralty, shall lie to the King in Chancery."

**2. Assisting, &c. ever, which may have been parted with, cut from, or left by a
Ship in Distress, &c.**

1 & 2 Geo. IV.
c. 76.

Jurisdiction, to be deposited as herein mentioned, &c., or the persons having them in possession adjudged guilty of receiving stolen goods.

Wrecked merchandise and ships' stores to be also deposited in like manner.

If sold, or marks defaced by the salvors.

Felony.

Officers of lord warden may seize anchors, stores, &c., concealed within their jurisdiction, &c.,

to be deposited as aforesaid.

Receivers subject to same punishment as though goods had been stolen on shore.

ever, which may have been parted with, cut from, or left by a vessel in the Downs, or elsewhere, within the jurisdiction aforesaid, the same shall be in distress or otherwise, and which shall be weighed, swept for, or taken possession of by any pilots, boatmen, or other person or persons, shall be by them delivered Ramsgate, Deal, or Dover, Harwich, Brightlessea, or Wivenhoe, or such other places as shall be declared by the lord warden or their deputies, on the finding thereof, and shall afterwards be covered in the possession, custody, or power of such pilots, boatmen, or other person or persons, he, she, or they shall, on being adjudged and deemed guilty of receiving goods knowing them to be stolen, and shall suffer the like punishment as if the same had been stolen on shore." [See also the 48 Geo. III. c. 130, s. 7.]

Sect. 8. "All merchandize, materials of any sort, or marine stores, every description, whether belonging to his majesty, or to subjects or foreigners, which may be preserved from any ship stranded, deserted by her crew, or wrecked, either on shore Goodwin or any other sand or shoal, or any part of the main port or place within the jurisdiction aforesaid, shall be landed at one of the six places of deposit, belonging to the said lord warden's deputies at Ramsgate, or Deal, or Dover, Harwich, or Wivenhoe, or such other place as shall be declared and appointed by the said lord warden for that purpose, whichever shall be most or contiguous to the place where the loss occurs; and that if any person or persons who shall have preserved or taken possession of all merchandize or marine stores within the jurisdiction aforesaid, dispose of, or otherwise make away with the same, or shall in any manner conceal, deface, take out, or obliterate the marks or number, alter the same in any manner, with intent thereby directly or prevent the discovery and identity of such articles by the owner thereof, such person or persons shall be deemed and adjudged guilty of felony." [The 48 Geo. III. c. 130, s. 8, has a similar enactment as to Harwich, Brightlessea, and Wivenhoe.]

Sect. 9. Provided "That nothing herein contained shall be construed to extend, to the preventing or restraining the serjeant or any other officer of the lord warden, from seizing all cables, buoys, buoy-ropes, or other ships' stores or materials, and likewise all such merchandize and marine stores as aforesaid, or they shall find concealed, or attempted to be concealed, within the jurisdiction aforesaid, or which he or they shall find in the possession of any person or persons who shall be conveying, or in the act to convey, the same out of the said jurisdiction, or from any place within the same, other than to one of the said public places aforesaid; but it shall be lawful in all such cases, for the officers aforesaid, to seize the same as well on shore within the said jurisdiction, and to take and carry the same to the said public places of deposit, any thing in this or in any other custom, or usage to the contrary notwithstanding." [See 48 Geo. III. c. 130, s. 9.]

Sect. 10. "If any person or persons, within the jurisdiction aforesaid, shall knowingly and with intent to defraud and injure the owners thereof, purchase or receive any anchors, cables, ropes, ship's stores or materials of any description whatever, or any lading which may have been taken up, weighed, swept for,

Persons herein
described may de-
mand inspection
of books.

Refusing to pro-
duce the book of
entries or neg-
lecting to give
notice before cut-
ting up cable or
cordage, &c.

First offence.

Further offence.

of any such cable or cordage, (as hereinbefore required to be cut up,) shall proceed to cut up the same by virtue thereof, there shall be inserted in some public newspaper within the counties of Kent, Sussex, and Essex, and near the residence or place of abode of such party, notifying that such person has obtained such permit for the purpose of cutting up such quantity of cable or cordage, and of such kind and quality as therein described, of which permit shall be inserted in such advertisement; which shall be lawful for all and every person or persons who shall cause to suspect, and shall have verified upon oath the facts of her, or their suspicion, before any of the persons duly authorized as magistrates within the limits aforesaid, by warrant of summons directed to him or them for that purpose thereupon granted, to require any such dealer who shall have so advertised, and shall be suspected as aforesaid, the production or examination of the books of entries thereby required by him to be kept, and to examine the cable or cordage described in such permit; and such dealer shall, when so thereunto required as aforesaid, refuse to produce to the person named in such warrant as whose oath the same had been obtained, the book or books of entries of such dealers so required to be made therein as aforesaid, neglect to keep any such book or books in which entries and counts of the several particulars hereinbefore required to be made, or to permit such inspection and examination as aforesaid, shall, after obtaining such permit for the cutting up of any cable or cordage, and before the cutting up of the same, neglect to publish one or more advertisements relative thereto, as is hereinbefore required to be published, the dealer or dealers so offending in respect of the particulars hereinbefore mentioned, shall forfeit and pay to the informer, for each such offence, being his, her, or their first offence, any sum not exceeding 20*l*., nor less than 10*l*.; and for every second and further offence, not exceeding 50*l*., nor less than 30*l*.; one half of which sum, on conviction before any of such magistrates duly authorized as aforesaid, be paid to the informer, and the other half to the informer.



**Boundaries of ju-
risdiction of lord
warden of Cinque
Ports.**

Sect. 18. "And whereas doubts have arisen as to the of the jurisdiction of the lord high admiral and the lo Cinque Ports, and it is highly expedient for the purpose the same should be clearly set forth: now it is here enacted, That the boundaries of the jurisdiction of the lo Cinque Ports, in regard to any matter or thing contained be and shall be deemed and taken to be as follows, (that a point to the westward of Seasford, in the county of Su Cliff, including the same: thence passing in a line o the sand or shoal called the Horse of Willingdon, and same distance without the ridge and new shoals; and within five miles of Cape Grisnez, on the coast of France the shoal called the Overfalls, two miles distant from th in a line without, and the same distance along the ea Galloper Sand, until the north end thereof bears w true bearing, from the west north west bearing of the Ge a direct line across the shoal called the Thwart Middle, shore underneath the Maze Tower; from thence followin shore up to Saint Osyth, in the county of Essex, and foll of the shore up to the river Coln, to the landing-place lingsea; from thence in a direct line to Shoo Bacon; fr point of Shellness, on the Isle of Shippey; and from waters to Feversham; and from thence following the li the North and South Forelands, and Beachy Head, till i Red Cliff, including all the waters, creeks, and haven between them: Provided always, and it is hereby declar in this act contained shall extend, or be construed to ex or abridge the local limits of the ancient jurisdiction, leges of the lord high admiral of England or the lord war the Cinque Ports respectively, or their respective represen the same shall remain according to ancient usage, and tition hereinbefore contained shall only be deemed appl poses of this act; anything herein contained to the c standing." [See also the 48 Geo. III. c. 130, s. 20.]

Sect. 19. "And whereas it is expedient that the like
cavalry advertising and encouraging the members of the m-

Sect. 22 "declares the act to be a public act."

" THE SCHEDULE TO WHICH THIS ACT REFE

Schedule.

" On the day of , in the year of our Lord
 , at , in the county of .

[Ships' Names.]

" A. B., [here insert the name of
 the salvors] against the said ship ,
 whereof was master, her tackle,
 apparel, and furniture, and the goods,
 wares, and merchandizes on board the
 same, and also against the said ,
 master, and the owners of the said ship
 and cargo [or as the case may be,
 "against certain goods and merchandizes
 lately laden on board the said
 ship, whereof was master, and also
 against the said , master, and the
 owners"] (or, if the owners alone appear
 by themselves or agents, then leave
 out the master's name) "of the said
 goods and merchandizes"] in a cause
 of salvage.

the owners of the said goods and merchandizes"], in the sum
 lawful money of Great Britain, unto the said A. B., &c., to
 and expenses of the said ship and cargo [or as the case may
 be, "of the said goods and merchandizes,"] as shall hereafter be decreed by
 according to the tenor of the act in that behalf made and pro
 cessed; they shall so do, they hereby consent that execution shall
 be passed upon them, their heirs, executors, and administrators, goods and
 chattels shall be found, to the value of the sum above mention

[Masters'
 "On which day &
 W. X., of , &
 who produced them
 to the said , the
 owners of the said
 as the case may be] master and owners of
 merchandizes; and
 selves to the jurisdiction
 Court of Admiralty;
 the Court of Admiralty
 Ports," as the case
 themselves, their heirs
 administrators, for
 and owners of the
 [or, as the case may
 be, master and
 the owners of the said goods and merchandizes"], in the sum
 lawful money of Great Britain, unto the said A. B., &c., to
 and expenses of the said ship and cargo [or as the case may
 be, "of the said goods and merchandizes,"] as shall hereafter be decreed by
 according to the tenor of the act in that behalf made and pro
 cessed; they shall so do, they hereby consent that execution shall

be passed upon them, their heirs, executors, and administrators, goods and
 chattels shall be found, to the value of the sum above mentioned
 " This bail was duly taken, acknowledged, and received,
 time and place above written, before me, the undersigned
 Commissioner: and I do hereby further certify, that I do
 and consider the persons above mentioned sufficient
 for the sum of pounds.

term not less than fifteen years, or to be imprisoned for any exceeding three years." This offence is not triable at sessions, c. 38, s. 1.

ng of goods whereof no one had a property at the time is not Seizing wreck not felonies at common law, therefore, he who takes away a wreck before it is seized by who has a right thereto, is not guilty of felony, and shall only be fined or the like. (1 Haw. c. 33, s. 24.) That is to say, he is guilty of felony by the common law. (Sed *query*, see 2 East, P. C. 162.)

7 Will. IV. & 1 Vict. c. 87, sect. 8, enacts, "That whosoever Stealing from wrecks. shall掠 or steal any part of any ship or vessel which shall be in dis- recked, stranded, or cast on shore, or any goods, merchandize, of any kind, belonging to such ship or vessel, and be convicted shall be liable, at the discretion of the court, to be transported to seas for any term not exceeding fifteen years, nor less than or to be imprisoned for any term not exceeding three years."

"That where any person shall be convicted of any offence Hard labour. under this act, for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned, or imprisoned and kept to hard labour, in the common gaol or house prison, and also to direct that the offender shall be kept in solitary Solitary confinement. confinement for any portion or portions of such imprisonment, or of such hard labour, not exceeding one month at any one time, exceeding three months in any one year, as to the court in its discretion shall seem meet."

8 Geo. IV. c. 29, s. 18, after enacting that the plundering or

**3. Cutting away, &c.
Buoys, &c.**

Plundering any part of the tackle or cargo of a ship-wrecked vessel.

Proviso as to articles of small value stolen without outrage, &c.

Persons in possession of ship-wrecked goods, not giving a satisfactory account.

If any person offers ship-wrecked goods for sale, the goods may be seized, &c.

Assaults on endeavours to save wrecks, &c.

Indictment for exhibiting false signals, on 7 Will. IV. & 1 Vict. c. 89, s. 5.

stealing from a wreck, &c., shall be punishable with death, if offence is now punishable under the above 8th section of the 7 V. 1 Vict. provides as follows, "If any person shall plunder or steal of any ship or vessel which shall be in distress, or wrecked, or cast on shore, or any goods, merchandize, or articles of any kind to such ship or vessel, every such offender, being convicted shall suffer death as a felon: Provided always, that when article value shall be stranded or cast on shore, and shall be stolen wth circumstances of cruelty, outrage, or violence, it shall be lawful to execute and punish the offender as for simple larceny; and in either offender may be indicted and tried either in the county in which offence shall have been committed, or in any county next adjoining."

Mr. Carrington observes, "It may be considered that the terms 'value' are very indefinite, in so penal an enactment; but those taken from the latter of the two statutes above mentioned. It was there enacted, that persons who took articles of *small* value should be triable for *petty* larceny; which appears to have limited the terms 'small value' to a value under twelve pence." (299.)

Sect. 19, also enacts, "That if any goods, merchandize, or any kind, belonging to any ship or vessel in distress, or wrecked, or cast on shore as aforesaid, shall, by virtue of a search warrant granted as hereinafter mentioned, be found in the possession of any person with his knowledge, and son, being carried before a justice of the peace, shall not satisfy justice that he came lawfully by the same, then the same shall be forthwith delivered over to or for the use of the owner thereof; and the offender, on conviction of such offence, shall forfeit and pay, over and above the value of merchandize, or articles, such sum of money, not exceeding 20*l.*, as to the justice shall seem meet."

Sect. 20. "If any person shall offer or expose for sale any merchandize, or articles whatsoever, which shall have been unlawfully or reasonably suspected so to have been, from any ship or vessel, or wrecked, stranded, or cast on shore, as aforesaid, in case any person to whom the same shall be offered for sale, or of the customs or excise, or peace officer, may lawfully seize and shall, with all convenient speed, carry the same, or give no seizure, to some justice of the peace; and if the person who offered or exposed the same for sale, being duly summoned before justice, shall not appear and satisfy the justice that he came by such goods, merchandize, or articles, then the same shall, by justice, be forthwith delivered over to or for the use of the rig thereof, upon payment of a reasonable reward (to be ascertained by justice) to the person who seized the same; and the offender, on conviction of such offence by the justice, shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding 20*l.*, as to the justice shall seem meet."

See the general clauses of and mode of proceeding under Geo. IV. c. 27, *ante*, "Larceny," Vol. III.

The 9 Geo. IV. c. 31, s. 24, inflicts punishment for assaults &c., for their endeavours to save shipwrecked property; and see "Assault," Vol. I.

IV. Forms.

——— } The jurors for our lady the Queen upon their oath presented to wit. } before and at the time of committing the felony hereinafter a certain ship [or "vessel"], the property of some person or persons aforesaid unknown, was sailing on the high seas, [or, "in a certain

—
To the constable of

it appears to me, J. P., Esq., one of her majesty's justices of the (4.) Search war-
for the said county, by the information on oath of A. B., of
ty aforesaid, labourer, in this behalf, that a certain ship was, on, &c.
and cast on shore [or "in distress, wrecked, stranded," or "cast on
the sea coast, in the county aforesaid, and that the following goods
in the said ship, to wit, , have since that time been by some per-
sons unknown, feloniously plundered, stolen, taken, and carried away,
ty aforesaid: and that the said A. B. hath reasonable cause to sus-
pect, that C. D., of , in the same county, ["labourer,"],
possession, or on his premises, and with his knowledge, the said
art thereof. These are, therefore, in the name of our said lady the
authorize and require you, with necessary and proper assistance, to
day-time into the dwelling-house and premises of the said C. D., at
said, in the county aforesaid, and there diligently to search for the
and if the same, or any part thereof, shall be found upon such
you bring the goods so found, and also the body of the said C. D.,
or some other of her majesty's justices of the peace for the county
to be disposed of and dealt with according to law. Given under my
seal, at , in the county aforesaid, this day of, &c.
J. P.

—
To the constable of

, by virtue of a certain warrant under the hand and seal of me J. P., (5.) Order the son
of her majesty's justices of the peace in and for the county aforesaid, that the goods be
delivered up.

*thereof. Given under my hand and seal, at _____, in the
this day of A.D. 18 .*

(6.) Conviction
thereon.

Be it remembered, that, on &c., at &c., in the county aforesaid, he, J. P., one of her majesty's justices of the peace, in the said county, for that he, the said C. D., on &c., at the time before aforesaid, had in his possession, [or "on his person"], of 1 shillings, of the goods and merchandize belonging to a certain ship before stranded and cast on shore on the sea-coast in the county of some person or persons unknown, and which said goods and merchandize were feloniously plundered, stolen, away, whilst the said ship was so stranded and cast ashore, that, upon the said goods and merchandize being found in the possession [or "on the premises"] of the said C. D., as aforesaid, by search-warrant, and the said C. D. being carried before me here as such justice as aforesaid, he, the said C. D., did not satisfy me, the said J. P. P., that he came lawfully by the said goods and merchandize, but altogether faileth in so doing, against the form in that case made and provided: I, the said J. P., do therefore direct that the said C. D., for his said offence, to forfeit and pay the sum of above the value of the said ["wool"] so stolen, as aforesaid sum of shillings, being the value of the said ["wool"] the sum of shillings* for costs: and, in default of payment of the said sums, to be imprisoned in the , ["and there kept for the space of calendar months, unless the said sum shall be paid."]
And I direct that the said sum of pounds shall be paid aforesaid, in which the said offence was committed, to according to the directions of the statute in that case made: that the said sum of shillings shall be paid also to the owner of the said ["wool"] by him applied in like manner, the owner of the said ["wool"] and I order that the said sum of shillings for costs shall be paid to [the complainant]. Given under my hand and seal, the day and year aforesaid.

* If time be given for the payment of the penalty, the same as the above to the [for costs]: and I order that the same

[or "stranded and cast on shore"] : these are therefore to require you to summon the said C. D. to appear before me, at , in the said , at the hour of &c., of the same day, to answer to the said informal complaint, and to satisfy me that he hath come lawfully by the said to be further dealt with according to law. And be you then there what you shall have done in the premises. Herein fail you not. For my hand and seal, this day of &c. J. P.

4. Forms.

Be it remembered, that, on &c., at &c., C. D. is convicted before (9.) Conviction me, J. P., one of her majesty's justices of the peace for the said county, in, the said C. D., on &c., at the parish of , in the county aforesaid and expense for sale, ["twenty bales of cotton"], of the value of £, which ["are reasonably suspected to"] have been lately before them taken from a certain ship and vessel, the property of A. B., [or "of persons unknown"], whilst the said ship and vessel was in distress; stranded and cast on shore"]; and that the said C. D., although duly by me, as such justice as aforesaid, hath not appeared before me, or me that he came lawfully by the said goods, [or "that the said C. D. hath before me, having been duly summoned for that purpose, but doth not satisfy me, the said J. P., that he came lawfully by the said goods"], nor fails in so doing, against the form of the statute in that case provided : I, the said J. P., do therefore adjudge the said C. D., for me, to forfeit and pay the sum of ["twenty"] pounds, over and above of the said goods, and also to pay the sum of shillings*, and, in default of immediate payment of the said sums, to be imprisoned, ["and there kept to hard labour"], for the space of months, unless the said sums shall be sooner paid ; and I direct that £ of ["twenty"] pounds shall be paid to A. B., of aforesaid, whose said offence was committed, to be by him applied according to the form of the statute in that case made and provided ; and that the said sum of shillings shall be paid also to the said A. B., to be by him applied in reward, the owner of the said goods being unknown ; and I order that the sum of shillings for costs shall be paid to E. F. [the complainant]. For my hand and seal, the day and year first above mentioned.

J. P.

me be given for the payment of the penalty, the conviction may be the above to the*] for costs ; and I order that the said sums shall be paid to the said C. D. on or before the day of, &c. ; and I direct that the sum of ["twenty"] pounds shall be paid to A. B., &c. [as in the above the end].

The order and award of J. P., K. P., and N. P., esqs., three of (9.) Order and her majesty's justices of the peace in and for the said county, and residing next unto the parish of , in the said county, made the day of, &c.

s. 7.

It has appeared unto us, the said justices, upon the complaint of , in the said county ["broker"], that on &c. at &c., in the aforesaid, the ship or vessel called the ["Hebe"], J. J. master, bound to , was stranded at , in the parish of aforesaid ; he, the said A. B., with great labour and expense, succeeded in saving , landing the cargo, and getting the said ship from the shore where , and that he hath conveyed the same to the port of , in the said : and whereas J. J., the said master ["owner or owners, or their agent or agents," as the case is], together with the said A. B., re"] now present before us, the said justices, for the purpose of having and demands of the said A. B., for such services as aforesaid, heard and examined. We, therefore, the said justices, having examined into the circumstances of the premises, upon oath, and all matters relating thereto hereby order and award that he, the said , shall, upon notice or order and award, pay unto him, the said A. B., the sum of , pieces of every description, as aforesaid. [Or thus, if the ship belongs to one part of the cargo to another, and another part of the cargo to

4. Forms.

a third party, after the word "award," continues and may run as follows: vi
*A. A., B. B., C. C., and D. D., of [illegible] aforesaid, being the owners of
 ship or vessel, shall, upon notice of this our order and award, pay unto
 A. B. the sum of [illegible]; that E. E. and F. F., of &c. ["merchants"
 the owners of a part of the cargo of the said ship or vessel, shall, upon
 this our order and award, also pay unto the said A. B. the sum of
 that G. G., H. H., and I. I., of &c. ["merchants"], being the
 another part of the cargo of the aforesaid ship or vessel, shall, upon
 this our order and award, likewise pay unto the said A. B. the sum
 for the services of every description rendered by the said A. B., as aforesaid.
 Given under our hands and seals, at [illegible], in the said county of [illegible]
 day and year first above written.*

J. P.
 K. P.
 N. P.

Writs, Proof, &c., of, see "Evidence," Vol. II. p. 3

**Writings, How stated in Indictment, see "Indictment,"
 p. 893:—In a Conviction, see "Conviction," Vol. I.
 —Stealing of, Vol. III. pp. 1135, 1136.**

THE END.

at large, from the very nature of the thing, have, in process
me very cumbersome and very intricate. They are not to be
it for a larger sum of money, nor to be understood without a
use of time, than a wise man would often choose to employ in

: to be taken in that matter seems to be this :

ially to repeal all those statutes, and parts of statutes, which
repealed by subsequent contradictory statutes.

To repeal all those statutes which are *obsolete*, and grown out
e alteration of times and circumstances.

'o repeal all those statutes which, being neither contradicted
nt statutes, nor become obsolete, yet are rendered *useless* by
tatutes enacting the same things over again, with altera-
ents.

To repeal or alter all those statutes which are *frivolous*,—
h possibly cannot, or probably never will, be executed : such
ch appoint an offender to be whipped by the hands of the
igman, where perhaps there is no such officer ; or which
offence under a very small penalty, to be recovered in the
estminster, where the reward will not countervail the expense
; it.

o omit all those statutes which, although enacted to be public
are only of *private concern* : such as those for bridges in
aces, or paving the streets in such a market town ; and the

Is to the rest, to lay all the statutes and clauses of statutes
ich relate to the same subject, and out of the whole to com-
wo, or more uniform and consistent statutes ; and then to
ee other, as workmen destroy the scaffolding when they have
building.

it of one material objection against this method of proceed-
at is, that the law being now for the most part well settled
tutes, notwithstanding their acknowledged disorder and con-
would tend to unsettle all again, by breaking the connexion
is between one statute and another. and one part of a statute

premises. (*Reg. v. Mansfield*, 1 Car. & M. 140.)
is indicted as a principal, for feloniously making a die which would ^{in forgery.}
the resemblance of the obverse side of a shilling. A. had gone
-sinker, and ordered four dies of the size of a shilling to be made,
them to be for two whist-clubs: one die was to be exactly like the
side of a shilling, another with an inscription, a third exactly like
the side of a shilling, and the fourth with an inscription. Before
them, the die-sinker communicated with the officers of the Mint,
ected him to execute the prisoner's order, which he did, the pri-
aving desired him to make the first and third before he made the
o dies, which he did, and from these counterfeit shillings could
d:—Held, that A. was rightly indicted for the felony, as a prin-
(*R. v. Bannen*, 1 Car. & K. 295.)

Abduction.

girl under sixteen, who was in service, was, as she was returning ^{Abduction.}
a errand, asked by B. if she would go to London, as B.'s mother
a servant, and would give her 5*l.* wages. A. and B. went away
r, to Bilston, where both were found, and B. apprehended:—
hat this was not such a taking or causing to be taken of A. as
cient to constitute the offence of abduction, under the 20th sect.
stat. 9 Geo. IV. c. 31:—Sembly, that a mere fraudulent decoying or
ent of a girl under sixteen is not a taking or causing to be taken
that section. (*Reg. v. Meadows*, 1 Car. & Kir. 399.)

Justices of Oyer
and Terminer may
try offences com-
mitted at sea.

7 Geo. IV. c. 41.

Venue in indict-

and such commissions should be had under the king's gr
to the admiral or admirals, or to his or their lieutenant,
ties, and to three or four other substantial persons as sho
appointed by the lord chancellor of England for the time
to time, and as often as need should require, to hear and
offences after the common course of the laws of this realm;
felonies, murders, robberies, and confederacies of the sam
mitted upon the land within this realm. And that it
provision be made for the trial of persons charged
committed, without issuing any special commission
be it enacted by the queen's most excellent majest
the advice and consent of the lords spiritual and tem
mons, in this present parliament assembled, and by
the same, That her majesty's justices of assize or othe
commissioners by whom any court shall be holden u
majesty's commissions of Oyer and Terminer or gene
shall have severally and jointly all the powers which
given to the commissioners named in any commission a
miner for the trying of offences committed within the j
admiralty of England, and that it shall be lawful for th
justices and commissioners, or any one or more of the
hear, and determine all offences alleged to have been c
high seas and other places within the jurisdiction of
England, and to deliver the gaol in every county and fra
limits of their several commissions of any person comm
oned therein for any offence alleged to have been com
high seas and other places within the jurisdiction of
England; and all indictments found, and trials and c
had, by and before the said justices and commissioners
and it shall be lawful for the court to order the payment
expences of the prosecution of such offences, in the m
by an act of the seventh year of king George the Fourth, i
for improving the Administration of Criminal Justice
the case of felonies tried in the high court of admiralty."

Sect. 2. "That in all indictments preferred before the

ng or division for which such court shall be holden." Not to affect
provides, and declares, and enacts, "That nothing herein Central Criminal
shall affect the jurisdiction belonging to the Central Criminal Court, or prevent
a trial of persons charged with offences committed on the high
seas or places within the jurisdiction of the admiralty of England,
in the issue of any special commission under the first-recited
trial of such offenders, if need shall be."

Aliens.

& 8 Vict. c. 66, intituled "An Act to amend the Laws relating 7 & 8 Vict. c. 66.
[6th August, 1844,] reciting that "It is expedient that the
laws in force affecting aliens should be amended, and that her
majesty should be enabled to grant to aliens the rights and capacities of
subjects, under such regulations and with such restrictions and
conditions as are hereinafter provided: and that an act of parliament was
passed in the twelfth year of the reign of his late majesty king
George the Third, intituled 'An Act for the further Limitation of the
better securing the Rights and Liberties of the Subject,' and 12 & 13 Will. III
of parliament was made and passed in the first year of the reign of
his late majesty king George the First, intituled, 'An Act to 1 Geo. I. sess. 2.
Act made in the Twelfth Year of the Reign of King William III. c. 2.
intituled "An Act for the further Limitation of the Crown, and
securing the Rights and Liberties of the Subject;" and another act
was made and passed in the fourteenth year of the reign of
his late majesty king George the Third, intituled, 'An Act to prevent cer-
tain inconveniences that may happen by Bills of Naturalization,' it is 14 Geo. III. c. 84
recited, "That such parts of the said recited acts of parliament Provisions of
inconsistent with the provisions of this act shall be repealed."
That so much of the said act of the first year of the reign of
George the First as provides, that no person shall hereafter be Certain provision
unless in the bill exhibited for that purpose there shall be a particular word inserted of 1 Geo. I. c. 4,
to declare that such person shall not be repealed.

Aliens to become naturalized upon obtaining certificate, taking prescribed oath, and becoming residents in the United Kingdom.

Aliens desirous of becoming naturalized to present a memorial.

Memorial to be considered by the secretary of state for the home department; who may issue a certificate.

Certificate to be enrolled in court of Chancery.

Oath to be taken.

UNION BILL.

Sect. 6. "That upon obtaining the certificate and taking in after prescribed every alien now residing in, or who shall to reside in, any part of Great Britain or Ireland with therein, shall enjoy all the rights and capacities which a subject of the United Kingdom can enjoy or transmit, except shall not be capable of becoming of her majesty's privy member of either house of parliament, nor of enjoying s and capacities, if any, as shall be specially excepted in a ficate to be granted in manner hereinafter mentioned."

Sect. 7. "That it shall be lawful for any such alien as sent to one of her majesty's principal secretaries of state stating the age, profession, trade, or other occupation of and the duration of his residence in Great Britain or Ireland the grounds on which he seeks to obtain any of the rights of a natural born British subject, and praying the said secretaries to grant to the memorialist the certificate hereinafter mentioned."

Sect. 8. "'That every such memorial shall be considered by the secretary of state, who shall inquire into the circumstances and receive all such evidence as shall be offered, by affidavit or otherwise, as he may deem necessary or proper for proving the truth of the representations contained in such memorial; and that the said secretary of state, so far as he shall think fit, may issue a certificate, reciting such facts as he shall consider to be true and material to the memorialist (upon his taking the oath hereinafter prescribed) concerning the rights and capacities of a natural born British subject, excepting the rights and capacities (if any) of being a member of the privy council or a member of parliament, and except the rights and capacities (if any) secured in and by such certificate."

Sect. 9. "That such certificate shall be enrolled for record in her majesty's high court of Chancery, and may be copies thereof taken, under such regulations as the lord chancellor shall direct."

Sect. 10. "That, within sixty days from the day of the certificate, every memorialist to whom rights and capacities

administered.

That the several proceedings hereby authorized to be taken Proceedings for such certificate as aforesaid shall be regulated in such obtaining certifi-
cate. e secretary of state shall from time to time direct."

'That the fees payable in respect of the several proceedings Amount of fees fixed shall be fixed and regulated by the commissioners of to be payable.
Treasury.'

That all persons who shall have been naturalized before the Naturalized per-
sons act, and who shall have resided in the United Kingdom years to enjoy
accessive years, shall be deemed entitled to and shall enjoy rights as aliens.
ts and capacities of British subjects as may be conferred on
provisions of this act."

Provided always, and be it enacted, That nothing in this act Act not to affect
is, or be construed to prejudice, any rights or interests in pre-existing
ity, whether vested or contingent, under any will, deed, or
ecuted by any natural born subject of Great Britain and
e the passing of this act, or under any descent or representa-
under any such natural born subject who shall have died
sing of this act."

'That nothing herein contained shall be construed so as to Act not to take
diminish any right, privilege, or capacity heretofore lawfully away rights of
or belonging to aliens residing in Great Britain or Ireland,
tes to the possession or enjoyment of any real or personal
t that all such rights shall continue to be enjoyed by such
all and ample a manner as such rights were enjoyed before
f this act."

"That any woman married or who shall be married to a Women married
subject or person naturalized shall be deemed and taken to to natural born
aturalized, and have all the rights and privileges of a natural subjects deemed
naturalized.

Amendment.

indictment has been preferred at the Central Criminal Court Amendment.
by certiorari into the Queen's Bench Court, and set down

A notice, and statement of grounds of appeal, purports one churchwarden and two overseers; one of those, however, as overseers, being the same person who had signed as c. Held, that the respondents could not set up as an objection of the appeal, the irregularity in the appointment of the appellant parish, that parish being bound by the notice (*Inhabitants of Leominster*, 13 Law J., N.S., M. C. 54.)

If, upon an objection to the examination, or grounds they are not sufficiently particular to enable the parties to get into their case, the justices consider the matter so doubtful as to make it difficult to determine the case upon the point, they should, nevertheless, proceed to hear the evidence, and decide upon the appeal, subject to a condition that the party who entertains no doubt that the objection is a valid one, and that the party cannot be admitted to prove his examination of appeal (whichever it may be) no case should be given (*Justices of Kesteven*, 13 Law J., N.S., Mag. Cas. 78.)

Upon receipt of notice and grounds of appeal, the respondents may file an order of supersedeas, which they served upon the court, and afterwards tendered two guineas for costs, which the court refused to accept. The appellants went to the sessions, and applied for a writ of appeal, in order to get their costs, but the court refused to grant it. A rule nisi having been obtained for a mandamus to the court, the affidavits in opposition stated a standing order of the quarter sessions, by which it was ordered that the sum of £100, and for costs and expenses, should be allowed in appeals for removal tried in the said court, to either party:—Held, that the appellants were entitled to have had their appeal entered, and that the sum of costs should be considered, notwithstanding the above order (*Llangoed v. the Justices of Merionethshire*; *Llangoed v. Dyngio*, 13 Law J., N.S., M. C. 114).

Though the statute 8 & 9 Will. III. c. 30, s. 3, empowers the justices to order the payment of costs by parties who have filed notice of appeal against an order of removal, and the appeal was afterwards countermanded, and the costs

ay be so bound as apprentices; and every master of such neglecting to fulfil
who wilfully refuses or neglects to perform any of such terms them liable to
is so inserted in any such indenture shall be liable, upon con- penalty.
rof before any two justices, to forfeit any sum not exceeding
that after the first day of October next no poor child shall be
rentice by the overseers of any parish included in any such Guardians to bind
object to a board of guardians under the provisions of the first- poor children ap-
but it shall be lawful for the guardians of such union or prentices instead
ctively to bind any such poor child to be an apprentice, and of overseers.

for binding or assigning any such apprentice which are now
by overseers, and shall cause all apprentices so bound or
them to be registered by their clerk according to the form
by the statute of the forty-second year of the reign of king
Third relating to the registration of parish apprentices, so far
may be applicable to such binding or assignment: Provided
nothing herein contained shall directly or indirectly interfere
visions of any act of parliament relating to apprentices to be
e sea service."

"That after the passing of this act so much of an act passed Compulsory
-third year of the reign of Elizabeth, intituled 'An Act for the apprenticeship
le Poor,' and so much of an act passed in the session held in abolished.
and ninth years of the reign of king William the Third, inti- Repeal of 43 Eliz
Act for supplying some defects in the Laws for the Relief of c. 2.
' this Kingdom,' or of any other act of parliament, whether 8 & 9 Will. III.
local, as compels any person to receive any poor child as an c. 3.
shall be and is hereby repealed."

Art Unions.

& 8 Vict. c. 109, intituled "An Act to indemnify Persons 7 & 8 Vict. c. 109

Art Unions, and
the members
thereof, and other
persons, dis-
charged from all
suits, &c. to which
they might be
liable touching
the purchase or
distribution of
works of art by
chance previous
to the periods
herein mentioned.

penalties to which they may have rendered themselves ; they may become liable, by reason of any such thei aforesaid ;" it is enacted, " That all such Art Unions, and tributors, subscribers, distributors, or officers thereof, su for them or on their behalf, and all other persons actin, of works of art as aforesaid, or persons acting under the their behalf, shall, so far as relates to persons other tha said Art Unions, or persons acting on their behalf, be dis from all suits, prosecutions, liabilities, pains, and pena law they may be liable as being concerned in lotteries, lawful games, for any thing done or which may be done of them herebefore or before the first day of October passing of this act ; and as to all other persons being said Art Unions as aforesaid, they shall be discharged : suits and prosecutions, liabilities, pains, and penaltie they might be liable as being concerned in lotteries, littl games, for any thing done or which may be done by the herebefore or before the 31st day of July next, touchin any such pictures or other works of art, or the sale or d by chance or lot."

Assault.

A., at C. fair, came up to B., the prosecutor's father, to him) and gave him eleven sovereigns to buy him a l them into his pocket. B. refused to give the eleven so A. and the prisoner, who was in his company, assault not get the money from him. On the next day the pri the eleven sovereigns ; and at L. fair, on a subsequent having seen the prosecutor receive seven sovereign eleven sovereigns of him, and then knocked him down the seven sovereigns out of his pocket :—Held, that semblance of a claim of right, that this was not an ass rob. Held, also, that the intent to rob being negat

Assault.

etty sessions, under section 3, that he is desirous that the
ld be heard and determined at the quarter sessions, after some
ive been examined, and the case has been partly heard, by the
. in the presence of the person charged. (*R. v. Oxley, Justices*
e, N. R. 13 *Law J., N. S., M. C.* 115.)

in bastardy, made in petty sessions, to reimburse, and for
tenance, was dated the 2nd of February, 1844. It recited the
the application of the churchwardens and overseers of the
Ripon, and that "it appeared that a male bastard child had
of the body of, &c., at, &c., on the 27th day of February last
that it appeared upon the evidence, &c., that J. B., of, &c.,
ter," and ordered, that J. B. "should forthwith pay, or cause
to the said churchwardens and overseers of the poor of the
ip of Ripon, the sum of 9s. 4d., to reimburse the said town-
nal expense incurred in the maintenance and support of the
l child, from the time of its birth as aforesaid, to the time of
our order:"—It was held, that the order to pay the 9s. 4d.
it was made for a time exceeding six calendar months next
he hearing of the application, contrary to section 73 of the
ct. Affidavits were tendered, to show that the order for pay-
ad, as there were no churchwardens for the township of Ripon.
e affidavits could be received, as they did not go to oust the
of jurisdiction—*Quare;* but held, *per Patteson, J. and Wil-*
Ld. Denman, C. J., dubitante, that the order was sufficient,
h there were no churchwardens for the township. (*Reg. v.*
mother, Justices of Yorkshire (N. R.), 13 Law J., N. S., M. C.,

8 & 9 Vict. c. 101, intituled "An Act for the further Amend- 7 & 8 Vict. c. 102.

for its maintenance, where application is made to any one justice sitting for the petty sessional division of the county, or for the place in which she may reside, for a summons to be set up against her to be the father of such child; and if sue made before the birth of the child the woman shall swear upon oath stating who is the father of such child, and no peace shall thereupon issue his summons to the person alleged of such child to appear at a petty session to be held on or about six days at least for the petty sessional division, city, or place in which such justice usually acts."

Justices in petty session may make an order on putative father for maintenance and costs, and enforce same by distress and commitment.

Sect. 3. "That after the birth of such bastard child, or of the person so summoned, or on proof that the same served on such person, or left at his last place of abode before the petty sessions, the justices in such petty session evidence of such woman, and such other evidence as shall be produced, and shall also hear any evidence tendered by or on behalf of the man alleged to be the father; and if the evidence of the mother in some material particular by other testimony, to the said justices, they may adjudge the man to be the putative bastard child; and they may also, if they see fit, having regard to the circumstances of the case, proceed to make an order on the man for the payment to the mother of the bastard child, or to such person as may be appointed to have the custody of such child under this act, of a sum of money weekly, and of such expenses as may be incurred in the obtaining of such order, including proper, 10s. for the midwife, and 10s. towards the funeral of the child, provided it have died before the making of such order; application be made before the birth of the child, or within three months after the birth of the child, such weekly sum may be calculated from the birth of the child, exceeding 5s. per week for the first six weeks after the birth, and in other cases such sum shall not exceed 2s. 6d. per week from the time of the making of the application; and if at any time during the continuance of such order, it be made to appear to any one justice, upon oath or affidavit,

as employed to convey him thither, be sooner paid and satisfied always, that if the woman have allowed the weekly payment Proviso.
or for more than thirteen successive weeks, without application, the man shall not be called upon to pay more than the
for thirteen weeks in discharge of the whole debt, and no distress shall be issued for more than the amount of arrears
weeks payment in discharge of the whole arrears or debt."

That the justices in petty session as aforesaid may adjourn of the case as often as to them may seem fit; but no such Applications to be
be made unless applied for at such petty sessions within the ty days from the service of the summons after the birth of child on the person alleged to be the father of such bastard Appeal to quarter
f within twenty-four hours after the adjudication or making i the putative father as aforesaid, such putative father give Appeal to quarter
deal to the mother of the bastard child, and also within seven sessions for puta-
fficient security, by recognizance or otherwise, for the pay-
s, to the satisfaction of some one justice of the peace, it shall
such putative father to appeal to the general quarter sessions to be holden after the period of fourteen days next after the e said order for the county, city, borough, or place for which session may have been held; and the justices in such quarter mbled, or the recorder, as the case may be, shall thereupon ermine such appeal, and shall order such costs to be paid by as to them or him may seem fit."

That all money payable under any order as aforesaid shall be Money under the
payable to the mother of the bastard child in respect of such order to be paid
long as she lives and is of sound mind, and is not in any to the mother or
on, or under sentence of transportation; and after the death to a person ap-
of such bastard child, or whilst such mother is of unsound pointed by the
fined in any gaol or prison, or under sentence of transporta- justices.
o justices may, if they see fit, by order under their hands and me to time appoint some person who, with his own consent, ie custody of such bastard child, so long as such bastard child geable to any parish or union, and any two such justices may ppointment of such person, and may appoint another person

Bastards.

7 & 8 Vict. c. 101.

Mother punishable for neglect or desertion of her bastard child.

Officers of parishes or unions not to receive money under the order, or to interfere in any respect.

Proceedings against putative father in case of death or incapacity of mother.

Penalties for promoting marriage of a mother of a bastard improperly misappropriating monies, or maltreating a bastard child.

Existing orders, &c. not to be affected.

Orders made before 14th of August, 1834, to cease on 1st January, 1849.

Orders made by justices acting in two adjoining counties to be valid, although not made in the county in which the parish is situate.

except for the purpose of recovering money previously due in order, be of any force or validity after the child in respect of whom made has attained the age of thirteen years, or after the marriage of such child, or after the death of such child."

Sect. 6 declares and enacts, "That every woman neglecting to maintain her bastard child, being able wholly or in part so to do, when child becomes chargeable to any parish or union, shall be punished as an idle or disorderly person, under the provisions of the 5 Geo. and every woman so neglecting to maintain her bastard child, as been once before convicted of such offence, and every woman maintaining her bastard child, whereby such bastard child becomes chargeable to any parish or union, shall be punishable as a rogue and vagabond, provisions of the said last-recited act." (See "Vagrants," Vol

Sect. 7. "That it shall not be lawful for any justice of the peace to appoint any officer of any parish or union to have the custody of a bastard child as hereinbefore provided, or for any officer of any union, clerk of justices, or constable, to receive any money in respect of any bastard child under an order of petty session as aforesaid, or officer to conduct any application to make or enforce such order in any way to interfere as such officer in causing such application to be made in procuring evidence in support of such application, under a sum of 40s., to be levied on conviction before any two justices as per forfeitures under the said first-recited act: Provided always, that the death of such mother, or if such mother be incapacitated as often as any bastard child for whose maintenance such order or directions has been made, becomes chargeable to any parish or union, neglect of the putative father to make the payments due under the order of justices, then and in such case it shall be lawful for any bona fide guardians of an union or parish, if there be no such board of guardians, or the overseers of any parish or place, to make such application for enforcement of the order as might have been made by the mother of the bastard child if alive; but all payments for the maintenance of such child made in pursuance of such application shall be made to some person from time to time appointed by the justices as hereinbefore mentioned, and on condition that such bastard child shall cease to be chargeable to any parish or union."

Sect. 8. "That if any officer of a union, parish, or place or any other person induce any person to contract a marriage by threat or promise any application to be made or any order to be enforced with respect to the maintenance of any bastard child, such officer shall be guilty of a misdemeanour; and every person having the custody of any bastard child under any order of justices, as hereinbefore provided, who may withhold proper nourishment from such child, or otherwise maltreat such child, shall, on conviction before any two justices, pay a sum not exceeding 10l."

Sect. 9. "That nothing in this act contained shall affect the making of any orders for the maintenance of a bastard child made by quarter or petty sessions before the passing of this act; but any order made before the 14th day of August, 1834, shall be in force until the 1st day of January, 1849, and that all proceedings actually commenced before justices in quarter sessions or petty sessions at the time of the passing of this act may be continued, and orders made in the same manner as if this act had not been passed."

Sect. 10. "And whereas various unions established under the said recited act are situate partly in one county, riding, or division, and partly in an adjoining county, riding, or division: as doubts have been entertained whether any justice of the peace under two commissions for different counties, ridings, or divisions can legally make orders in bastardy when acting in petty sessions within the limits of one of such commissions, for such parts of such union

~~WITNESSED THIS day of the foregoing year.~~

County
Division

Father and wife if any.	Date of Issue of Summons.	Date of Petty Sessions.	Result of the Application.	Name of the putative Father in all cases in which orders are made.
			[Here state if the summons was never served, or if the alleged father absconded, or the complainant was abandoned or heard, and the order refused, or, if made the amount of the order.]	

I certify the above List to be correct in all Particulars.
(Signed) A.B., Clerk to the Justices.

e the putative father of a bastard child, being served with a notice
plication at petty sessions for an order on him to reimburse the
re for the maintenance and support of the child, attended at the
, and procured an adjournment of the case; and afterwards, at
sequent petty sessions, applied to have the case heard at the
VI.

By the 7 & 8 Vict. c. 101, the expences of boundaries
to be paid out of the poor-rates.

Bingo.

See Addenda to, title "Gaming," p

Bridges.

UPON an indictment against the inhabitants of a township, charging them with the repair of a bridge, by a prescriptive liability of an inhabitant of the township is admissible in evidence of the township, on the ground that he is a party to the record, and not a rated inhabitant.

The indictment stated, that from time whereof, &c. and still is, a certain common and public bridge, &c. (it being agreed that one part of the said bridge lies in the township of A., and the other in the township of B.) was in need of repair, and that the inhabitants of the township of A. for a long time past, &c., have repaired, and have been used and accustomed to the use of the said part of the bridge in the township of A.

It appeared in evidence that the part of the bridge in the township of A. consisted of part of the centre arch of the bridge, a number of arches, and that about the year 1806, the township of A. removed the part of the centre arch which was in A. about six feet wide, instead of fifteen feet in width, instead of nine. The other arches were unaltered:—It was held, that the indictment, charging the inhabitants of the township of A. with the liability to repair the bridge, was sufficient, as at all events the inhabitants of the township of A. still remained liable for the ancient part. (*Reg. v. The Township of Adderbury East*, 13 Law J., N. S., May 1832, *Sensible*, per Lord Denman, C. J., and Patten, J., t

Butter and Cheese.

7 & 8 Vict. c. 48, intituled "An Act to repeal certain Acts for the Trade in Butter and Cheese," [29th July, 1844,] reciting of the 4 W. & M. c. 7, the 36 Geo. III. c. 86, and the 38 Geo. III. that it is expedient that those acts should be repealed, except after is expressed: it is therefore enacted, "That the hereinbefore shall be repealed, but not so as to revive any act or any part repealed by any of the acts hereby repealed."

Certiorari.

part of quarter sessions having confirmed an order of removal, a case, a notice of the intention of the appellant parish to apply *certiorari*, was addressed to "J. S., esq., and T. H. M., esq., two of y's justices and keepers of the peace," for the West Riding of York; and the affidavit of service of such notice stated, leponent served "J. S., esq., and T. H. M., esq., two of her ustices of the peace" for the West Riding:—Held, that the affi-insufficient, by reason of its not stating that the justices so e two of the justices before whom the order of sessions was the rule for quashing the *certiorari* was made absolute; the no being already set down for argument in the crown paper. (See *Inhabitants of Cartworth*, 13 Law J., N. S., Mag. Cas. 26.) of *certiorari* having been quashed, on the ground that the affi-hich it had issued did not show that the two magistrates upon ce had been served were present at the sessions, the order of removed:—Held, that more than six months having elapsed taking of the order, a fresh writ could not be issued, by reason tute 13 Geo. II. c. 18, s. 5. (— v. —, — v. —, 13 . S., Mag. Cas. 28.)

Children.

dum of the child, no matter how little, this is sufficient to penetration, and the jury ought to convict the prisoner of offence. (*Reg. v. Lines*, 1 *Car. & K.* 393; and see *R. v. Hug P.* 752; *R. v. Stanton*, 1 *Car. & K.* 415.)

Churchwardens.

6 & 7 Vict. c. 37.
Churchwardens
to be chosen for
new parishes
under 6 & 7 Vict.
c. 37.

By the 6 & 7 Vict. c. 37, "An Act to make better Provision for the Spiritual Care of Parishes," s. 17, it is enacted, "That in case of a district so becoming a new parish two fit and proper persons members of the united church of England and Ireland, within twenty-one days from the consecration of the church thereof, shall be chosen churchwardens for such new parish, one being chosen by the curate thereof, and the other by the inhabitants, residing there having a similar qualification to that which would entitle them to vote at the election of churchwardens for the principal parish or the majority of such inhabitants, and such election shall be a meeting to be summoned in such manner in all respects as the perpetual curate shall direct; and such persons shall continue churchwardens until the next usual period of appointing parish officers after their appointment: and at the like time in every year two churchwardens shall thenceforward be chosen by the perpetual curate for the said parish and inhabitants assembled as aforesaid; and every person aforesaid shall be duly admitted, and shall do all things per his office of churchwarden as to ecclesiastical matters in the said parish. Provided always, that nothing herein contained shall render the churchwardens liable or competent to perform the duties of relief of the poor in respect of such their office of churchwardens."

Query.—whether churchwardens are overseers within the meaning of c. 36, as to the prosecution of disorderly houses, see "*Disorderly houses*" (*Burgess v. Boetefeur*, 13 *Law J., N. S.*, *Mag. Cas.* 122.)

Clergymen and Parish Clerks.

7 & 8 Vict. c. 59.

Lecturers or
preachers may be
required to per-
form other cler-
ical duties in cer-
tain cases.

By the 7 & 8 Vict. c. 59, "An Act for better regulating Lecturers and Parish Clerks," [29th July, 1844,] reciting that there are districts, parishes, and places where there are or hereafter may be lecturers or preachers in the holy orders of deacon or priest in the church of England and Ireland elected or otherwise appointed to preach lectures or sermons only, without the obligation of performing other clerical or ministerial duties: and that it is expedient that such lecturers or preachers should be authorized and enabled to perform other clerical and ministerial duties, and to act, if necessary, as assistant curates, in such districts, parishes, or places; it is enacted, "That from and after the passing of this act it shall be the duty of the bishop of the diocese wherein any such lecturers or preachers are elected or appointed as aforesaid, if he shall think fit, writing under his hand and seal, any such lecturer or preacher to take and perform such other clerical or ministerial duties as a curate or otherwise, within such district, parish, or place, as the bishop, with the assent of such incumbent as aforesaid, shall direct and also to vary from time to time, if necessary, and with the particular duties so required to be performed as aforesaid; and in case such lecturer or preacher shall at any time refuse or neglect faithfully to perform such additional duties, and to act in the manner required by the said bishop as aforesaid, it shall be lawful for the said bishop to summon the said lecturer or preacher to appear before him."

of and belonging to the said office, and shall also be liable in
of, so long as he shall hold the same, to perform all such
ecclesiastical duties within such district, parish, or place as
or other incumbent, with the sanction of the bishop of the
from time to time require; but such person in holy orders
or elected as aforesaid shall not by reason of such appoint-
ment have or acquire any freehold or absolute right to or
a said office of church clerk, chapel clerk, or parish clerk, or
f the profits or emoluments thereof, but every such person
so appointed or elected as aforesaid shall at all times be
suspended or removed from the said office, in the same
y the same authority, and for such or the like causes, as
y any stipendiary curate may be lawfully suspended or re-
suspension or removal nevertheless being subject to the
of appeal to the archbishop of the province to which any
curate is or may be entitled."

vides and enacts, "That every such appointment or election
said, if made by any other person or persons than the rector
mbent of such district, parish, or place, shall be subject to
nd approval of such rector or other incumbent of such dis-
or place: and that no person in holy orders so appointed or
resaid shall be competent to perform any of the duties of
, or any other spiritual or ecclesiastical duties, within such
sh or place, or to receive or take any of the profits or
of his said office, unless and until he shall have duly ob-
the bishop of the diocese within which such district, parish,
ituate such licence and authority in that behalf as are re-

Such person to be
licensed by the
bishop, and when
appointed other-
wise than by the
bishop to be sub-
ject to the appro-
val of the incum-
bent.

reason or any such provisions be exempt from any or employing within the same district, parish, or place : assistant to which by any law, statute, canon, or use already liable ; but it shall be lawful for the bishop o time to time to require every such rector or other inc or for the said bishop to nominate and license, such assistants to officiate within every such district, parish tion, either to the person or persons so intended to be said, or to such lecturer or preacher, or to such ch clerk, or parish clerk, and to make regulations for t stipends of such other curates and assistants, as full manner and subject to the same restrictions as he w law if this act had not been passed."

Power to suspend
or remove church
clerks not in holy
orders who may
be guilty of
neglect or misbe-
haviour.

Sect. 5. " That if at any time it shall appear, t otherwise, to any archdeacon or other ordinary that holy orders, holding or exercising the office of ch clerk, or parish clerk in any district, parish, or plac ject to his jurisdiction, has been guilty of any wi misbehaviour in his said office, or that by reason of is an unfit and improper person to hold or exercise th lawful for such archdeacon or other ordinary forthwi church clerk, chapel clerk, or parish clerk to appear also by writing under his hand, or by such process as in any of the courts ecclesiastical for procuring the nesses, to call before him all such persons as may be evidence or information respecting any of the matt charged against such church clerk, chapel clerk, or ps said ; and such archdeacon or other ordinary shall fit, examine upon oath, to be by him administered in the persons so appearing or attending before him re matters aforesaid, and shall and may thereupon st determine the truth of the matters so imputed to such church clerk, chapel clerk, or parish clerk & upon such investigation it shall appear to the satisfa deacon or other ordinary that the matters so impu against such church clerk, chapel clerk, or parish cle

rs shall and they are hereby required promptly and effectually and execute such warrant, according to the exigency whereupon it shall be lawful for them also to levy, upon the chattels of the person so by them expelled and removed as necessary costs and expences of executing such warrant, whereof, in case the same shall be disputed, shall be forth-and determined by the said justice of the peace by whom warrant was so issued as aforesaid, or by any other justice of sitting in or near to the said district, parish, or place, whose repon shall be final, and who is hereby authorized to make n that behalf as to him shall seem reasonable."

Clerk of the Parish.

See "Clergymen," ante, Addenda.

Clerk of Peace.

¶ 6 Vict. c. 87, s. 29, the clerk of the peace is to receive such a for his trouble in carrying into effect the provisions of the ting to private lunatic asylums as allowed by justices in see- "Lunatics," Vol. III.

ties of, as to bastards, &c., ante, "Bastards."

bad. (*R. v. Reynolds*, 13 Law J., N. S., M. C. 65.)

A commitment, under the statute 11 Geo. II. c. 19. removal of goods, omitted to state a complaint, in w lord, his bailiff, agent, or servant. The order of adj defendant to have been duly charged, in writing, before The court held the commitment to be bad. (*Ex part N. S., Mag. Cas.* 141.)

Where an act of parliament gives a magistrate a warrant, without a previous conviction, it should appear warrant of commitment, that the charge was heard and in the presence of the prisoner. The court will not intend to support a bad commitment. (*Re Tordoff*, 13 I 135.)

Where an act of parliament authorizes magistrat good warrant of commitment be shown, the court will the validity of a previous document under which a person committed ; since a conviction, if such were necessary, any time drawn up to sustain a commitment valid in *Gregory & others*, 13 Law J., N. S., M. C. 147.)

Conspiracy.

THE public, who go to a theatre, have a right to express unbiassed opinions of the merits of the performers on stage ; but parties have no right to go to a theatre and plan, to make such a noise that an actor, without informed of his performance, should be driven from the persons are shown to have laid a preconcerted plan for who comes out as an actor of the benefits which he derives from his appearance on the stage, they are liable in conspiracy. (*Gregory v. Duke of Brunswick*, 1 Cor. & K.

Coroner.

to stay proceedings on three out of four inquisitions where all
intreated, was refused. (*Reg. v. Eastern Counties Railway
Dowl.*, N. S., 293.)

Vict. c. 12, intituled "An Act for the more convenient hold- & Vict. c. 12.
ers Inquests," [11th April, 1843,] reciting that it often
it is unknown where persons lying dead have come by their
also that such persons may die in other places than those in
cause of death happened: it is enacted "That the coroner Coroner only
within whose
jurisdiction the
body is lying dead
shall hold the
inquest.
whose jurisdiction the body of any person upon whose death
ought to be holden shall be lying dead shall hold the inquest, reciting that the cause of death did not arise within the jurisdic-
ding that the cause of death did not arise within the jurisdic-
coroner; and in the case of any body found dead in the sea,
or, river, or navigable canal within the flowing of the sea,
shall be no deputy-coroner for the jurisdiction of the admiralty
the inquest shall be holden only by the coroner having juris-
place where the body shall be first brought to land."

2, "That for the purpose of holding coroners inquests every Provision for
detached parts o f
counties.
part of a county, riding, or division shall be deemed to be within
, riding, or division by which it is wholly surrounded, or,
partly surrounded by two or more counties, ridings, or divi-
n that one with which it has the longest common boundary."

, it is declared and enacted, "That if a verdict of murder or Parties may be
tried on verdicts
of murder or man-
slaughter.
murder, or as accessory before the fact to any murder, shall be
jury at any such inquest, against any person or persons,

holding the said inquest, and the justices of Oyer and Ter-
gaol delivery for the county, city, district, or place in which
it shall be holden, and all other persons, shall have the same
respectively for the commitment, trial, and execution of the sen-
tence upon any person or persons so charged as they now by law possess
to the commitment, trial, and execution of the sentence upon
any persons committed and tried within the jurisdiction where
appened."

4, it is declared and enacted, "That if a verdict of accidental Deodands may be
levied on verdicts
be found by the jury at any such inquest, the coroner and
the sheriff and court of Exchequer, and all other persons

Coroner.

Petition for division of counties.

Preparation of petition.

Division of the county into districts.

Districts to be assigned to coroners.

Provision for coroners already acting in districts.

Sect. 2. "That when and as often as it shall seem expedient for the justices of any county that such county should be divided into more districts for the purposes of this act, or that any alteration be made of any division theretofore made under this act, it shall be lawful for the said justices, in general or quarter session assemble, to hear that a petition shall be presented to her majesty, praying that such division or alteration be made, and thereupon to adjourn the further consideration of such petition until notice thereof shall be given to the coroners of such county as hereinafter provided."

Sect. 3. "That the clerk of the peace shall give notice of such resolution to every coroner for such county, and of the time when the petition will be taken by the said justices into consideration; and the justices shall confer with every such coroner, who shall attend the meeting of the justices for that purpose, touching such petition, with regard to the size and nature of each proposed district, the number of inhabitants, the nature of their employments, and such other circumstances as shall appear to the justices fit to be considered in carrying into effect the provisions of this act; and such petition, with a description of the several proposed districts, and of the boundaries thereof, with the reasons upon which the petition is founded, shall be certified by the justices under the hands and seals of two or more of the justices, when such petition shall be agreed to, and the clerk of the peace for the county shall forthwith give or send a true copy of such petition, signed under his hand, to every coroner for such county."

Sect. 4. "That it shall be lawful for her majesty, if she shall see fit, with the advice of her privy council, after taking into consideration such petition, and also any petition which may be presented to the coroner of the same county concerning such proposed division, or whenever it shall seem fit to her majesty to direct the issue of a writ *de coronatore eligendo*, for the purpose of authorizing the election of an additional coroner above the number of those who have before customarily been elected in such county, to order that such county be divided into such and so many districts, for the purposes as to her majesty, with the advice aforesaid, shall seem expedient, to give a name to each of such districts, and to determine at what place within each district the court for the election of coroner for the same shall be holden as hereinafter provided, and every such order published in the *London Gazette*."

Sect. 5. "That the justices in general or quarter session shall assign one of such districts to each of the persons holding the office of coroner in such county, and upon the death, removal, or removal of any such person each of his successors, and other person thereafter elected into the office of coroner for the county, shall be elected to and shall exercise the office of coroner according to the provisions of this act, and shall reside within the district and for which he shall be so elected, or in some place whilfully surrounded by such district, or not more than two miles beyond the boundary of such district."

Sect. 6. "That whenever it shall appear to her majesty, vice aforesaid, and shall be set forth in the said order in case any such county has been customarily divided into districts for the purpose of holding inquests during the space of seven years from the passing of this act, and it shall seem expedient to her majesty, with the advice aforesaid, that the same division of the county be made under this act, each of such districts shall be assigned to the coroner usually holding the office in and for the same district before the passing of this act; but if it shall appear expedient to her majesty, with the advice aforesaid, that the present division of such county be made, and any such coroner shall present a petition to her majesty, praying for compensation to him for his emoluments arising out of such change, it shall be lawful for her majesty, with the advice aforesaid, to order the lord high treasurer and commissioners of her majesty's treasury to assess the amount of such compensation."

writ *de coronatore eligendo*; and in case the said election be determined upon the view, with the consent of the electors it, but that a poll shall be demanded for determination in the said sheriff, or in his absence his under sheriff, shall proceed to take the said poll in some public place or places by the same court to eight of the clock in the forenoon of the next , unless such next day but one shall be Saturday or Sunday, the Monday following; and the said sheriff, or in his absence sheriff, with such others as shall be deputed by him shall then proceed to take the said poll in some public place or places by sheriff, or his under sheriff as aforesaid in his absence, or others or the taking thereof as aforesaid: and such polling shall not open later than four of the clock in the afternoon of either days."

"That for more conveniently taking the poll at all elections under the authority of this act, the poll for the election of the each district shall be taken at the place to be appointed for court for such election, and at such other places within the ict as may for the time being be appointed by the quarter

"That at every contested election of coroner for any district county, the sheriff, under sheriff, or sheriff's deputy shall, if or on the behalf of any candidate on the day fixed for the d, if not so required, may, if it shall appear to him expedient, th or booths to be erected for taking the poll at the court or ace of election, and also at each of the polling places within

If election not
determined on
the view, then to
proceed to take a
poll.

Duration of poll.

Places for taking
the poll at elec-
tions for coroners.

Sheriff may erect
polling booths for
taking the poll at.

appointed and
sworn.

poll, be it enacted, That the said sheriff, or in his sheriff, or such as he shall depute, shall appoint such as to him shall seem meet and convenient for the said clerk shall take the said poll in the presence of the under sheriff, or such as he shall depute; and before the said poll every clerk so appointed shall by the under sheriff, or such as he shall depute as aforesaid, indifferently to take the same poll, and to set down elector, and the place of his residence, and for whom to poll no elector who is not sworn, if required to be a voter or either of them; and which oaths of the said sheriff or his under sheriff, or such as he shall depute duty to administer; and the sheriff, or in his absence h aforesaid, shall appoint for each candidate such one nominated to him by each candidate to be inspector c shall be appointed for taking the poll; and every elector admitted to poll at the same election, shall, if required of any candidate, first take the oath hereinafter mentioned the said sheriff, by himself or his under sheriff, or su him appointed for taking the said poll as aforesaid, al to administer; (that is to say,) 18

Inspector of poll
clerk.

Electors to be
sworn.

Oath.

'I swear [or being one of the people called Quakers, or make affirmation, solemnly affirm], that I am a freehold and have a freehold estate, consisting of within the said county; and that such freehold estate has me fraudulently or colourably on purpose to qualify me to election; and that the place of my abode is at [consisting of more streets or places than one, specifying where] that I am twenty-one years of age, as I believe; and that I polled at this election [adding, except in cases of solemn affirm]

Punishment for
perjury.

Sect. 14. "That every elector or other person who falsely take the said oath or affirmation hereby appointed the electors as aforesaid shall for every such offence i

session of the peace shall be copied, and the same shall be extreated, and applied in like manner, and subject to the like powers, processes, and penalties in all respects, as if such fine or fines had been the fines imposed at such quarter session: Provided always, that Proviso. g herein contained shall be construed to affect any power now by stated in the coroner for compelling any person to appear and give evidence before him on any inquest or other proceeding, or for punishing a man for contempt of court in not so appearing and giving evidence, otherwise."

Act 18. That from and after the passing of this act, in all cases Coroner not to act professionally in prosecutions where he shall have sat as coroner in the same case.

in which any person shall be charged by any coroner's inquisition for the commission of any crime, and shall be subsequently put upon trial, either on such inquisition, or in pursuance of any bill of indictment found for the same, the coroner before whom such inquisition shall have been found shall be wholly incompetent to act as an attorney in the prosecution or defence of such person for such crime, either by himself or his attorney (directly or indirectly); and that in all cases in which it shall appear to the judge before whom such person shall be tried that any coroner shall have so acted contrary to the provision and intention of this act, such judge shall impose upon every coroner so offending such sum, not exceeding 50*l*, as the said judge shall in his discretion think fit."

Act 19. "That every coroner elected under the authority of this act, although such coroner may be designated as the coroner for any particular district of a county, and may be elected by the electors of such district, or by the freeholders of the county at large, shall for all purposes

Coroner, although elected for a district, shall be considered as coroner for the whole county, except, &c.

Coroner.

7 & 8 Vict. c. 92.

Present and future coroners (except during illness, &c. of coroner for another district, or in case of vacancy in the office,) to hold inquests only within the district to which they shall have been assigned or elected.

Coroners to be paid travelling expences where inquisition shall not be taken.

Coroners to be paid when they act for sheriffs.

Coroners for detached places to continue to hold inquests.

6 & 7 Vict. c. 12.

whatsoever, except as hereinafter mentioned, be considered for the whole county, and shall have the same jurisdiction, rights and authorities throughout the said county as if he had been one of the coroners of the said county by the freeholders of it large."

Sect. 20. "That, except as aforesaid, every coroner for any district thereof, or his deputy, after he shall, in pursuance of this act, have been assigned to or elected by the particular district, shall, except during illness or incapacity or absence as aforesaid of any coroner for any other district, vacancy in the office of coroner for any other district, hold within the district to or for which he shall have been assigned. Provided always, that the coroner who shall, by himself or any inquest in any other district, save that to which he shall have been assigned or elected as aforesaid, shall, in his inquisition to be such inquest, certify the cause of his attendance and his inquest; which certificate shall be conclusive evidence of incapacity or unavoidable absence as aforesaid of the coroner instead he shall so attend, or of there being a vacancy in the office for the district in which such inquest shall be holden."

Sect. 21. "And whereas doubts have arisen as to the power of the justices of the peace to order the payment of allowances for travelling in an inquisition has not been taken, although such coroner has been compelled to travel from his usual place of abode for the purpose of taking an inquisition; be it therefore enacted, That it shall and may be lawful for the justices of the peace in their general or quarter sessions for the county, riding, division, or liberty where such inquisitions have been taken, or the major part of them, if they shall see fit, to order the payment of such allowances for travelling to any coroner who shall show, to the satisfaction of the said justices, that he has been compelled, in the discharge of his office, to travel from his usual place of abode for the purpose of taking an inquisition, but that the exercise of his discretion, he deemed to be unnecessary, to take."

Sect. 22. "And whereas, in cases where the sheriff is a person wise disqualified to act, and in various other cases, writs, in civil actions and suits, and also extents and other process, which the queen is interested, are frequently directed to and executed by the coroner in the place and stead of the sheriff, but the coroner in such case allowed any fee or reward for the execution of an process, or extents; be it therefore enacted, That in all cases where a writ, process, or extent whatsoever shall be directed to and any coroner or coroners in the place or stead of any sheriff, such coroner or coroners shall have and receive such and the same fees or other compensation or reward for executing the process as the sheriff or sheriffs would have had in whose place and stead the coroner or coroners shall have been substituted; and if the compensation payable to the sheriffs shall at any time after the passing of this act be increased by act of parliament or otherwise, that in every such case the coroner or coroners shall be entitled to such increased compensation."

Sect. 23. "And whereas by an act passed in the sixth year of her majesty queen Victoria, intituled 'An Act for the more convenient holding of Coroners Inquests,' it was enacted, that for the convenience of holding coroners inquests every detached part of a county, or division shall be deemed to be within that county, riding, or division in which it is wholly surrounded, or where it is partly surrounded by two or more counties, within that one with which it has the longest

EXCEP^TED OUT OF
THIS ACT.

London and borough of Southwark, or of any franchises be-
the said city, nor any coroner of any city, borough, town,
franchise which is not contributory to the county rates, or
h such rates have not been usually assessed, shall be entitled
recompence, or benefit given to or provided for coroners by
it that it shall be lawful for all such coroners as are last men-
tive and receive all such fees, salaries, wages, and allowances
e entitled to by law before the making of this act, or as shall
allowed to them by the person or persons by whom they have
ll be appointed."

"That the provisions of this act touching the allowance for the expenses of coroners shall be deemed and taken to extend to the appointed and acting for the jurisdiction of the cinque ports, as before contained to the contrary notwithstanding."

"That nothing in this act contained touching the divisions into districts, or the appointment or election of coroners, shall take place by law otherwise than under the writ de coronatore

. "That in construing this act the word 'county' shall be mean county, riding, or division of a county in and for which coroner hath been customarily elected; and that in the counties of Lincoln all things hereinbefore directed to be done by and to the justices in general or quarter sessions assembled, and

Coroner.

Not to affect the royal prerogative.

Act to extend only to England.

by their clerk, shall be done by and with respect to the justices counties of York and Lincoln in general gaol sessions assembled their clerk."

Sect. 29. "Provided always, and be it declared and enacted, That herein contained shall be construed to abridge or affect the royal prerogative, or the authority of the lord chancellor, for issuing a writ *tore eligendo*, as fully as if this act had not been passed."

Sect. 30. "That this act shall extend only to England."

The coroner for the city of Rochester held an inquisition which met with death in the river Medway, such body being brought to a spot above high-water mark sworn to be within the county of Kent, and there viewed by a jury of the city of Rochester, that the inquisition was bad. (*Reg. v. Hinde*, 13 Law J., p. 150.)

Corporations.

6 & 7 Vict. c. 89.
5 & 6 Will. IV.
c. 76.

1 Vict. c. 78.

No election of a mayor in certain boroughs to be called in question for defect of title unless by quo

By the 6 & 7 Vict. c. 19, intituled "An Act to amend the Regulation of Municipal Corporations in England and Wales," [August, 1843,] reciting that by the 5 & 6 Will. IV. c. 76, were made for the election of corporate officers in certain boroughs for determining the times and manner of such election; but such provisions in the said act have not in all cases been duly complied with; that, by the 1 Vict. c. 78, it was among other things declared that the passing of that act every application to the court of Queen's Bench for the purpose of calling upon any person to show by what claims he has to exercise the office of mayor, alderman, councillor, in any borough, he shall make before the end of twelve months after the election, or the time when the person against whom such application shall be directed shall have become disqualified at any subsequent time: and that doubts have arisen whether notwithstanding the said last-mentioned enactment, application for a *quo warrantum* may not still be successfully made against a person holding the office of mayor on the ground that such person is not duly qualified to be so elected mayor by reason of some informality in his previous election to the office of alderman or councillor, although more than twelve calendar months may have elapsed since such election to the office so alleged to have been informal; and likewise against other corporate officers upon grounds of similar nature: and that also in certain boroughs the town council under the said recited act omitted to appoint as therein directed the aldermen first elected under that act should go out of office at the expiration of the term therein mentioned: and whereas in certain boroughs, at the said first election of aldermen, after the publication of the said first-recited act, less than the full number required by the provisions of the said first-recited act, were elected to such office by reason of equality of votes as between the persons nominated, and at the second election of aldermen under the provisions of the said first-recited act, other aldermen were appointed to supply and make up such deficiency, but by inadvertence, or through a mistake of law, a greater number were elected to such office to have been so elected, and great inconvenience, vexation, and expense have been incurred and sustained by reason of the premises; that the functions of the corporate bodies in such boroughs are and are in effect suspended; and it is expedient to provide a remedy for such mischief: and that the said first-recited act requires further amendment: it is enacted, "That no election of any mayor of any borough named in schedules (A.) and (B.) of the said first-recited act, or in any borough to which a charter of incorporation may hereafter be granted under the provisions of that act,

be in the year 1838, and by reason of such omission the pro- which of the
said first-recited act as to the retirement and election of aldermen should
not be carried into effect, the councillors of such borough first go out of
office.

at the said quarterly meeting of the council to be held on
the 6 November next after the passing of this act, declare and
shall be the aldermen who shall go out of office on the 9th
November, in the year 1844, and the persons so named shall be
who shall then go out of office accordingly."

That no proceeding commenced before the passing of this act Provision as to
standing in the court of Queen's Bench, against any person proceedings
e mayor or alderman of any of the aforesaid boroughs already com-
menced.

which before the passing of this act would have been sufficient
the title of such person, but which after the passing of this
to be sufficient for that purpose, shall after the passing of this
prosecuted: Provided always, that the prosecutor or relator
led to receive from the defendant in every such proceeding
, to be taxed as between attorney and client according to the
such court, as have been *bond fide* incurred by such prosecutor
such proceeding before the passing of this act."

And whereas it is expedient to render certain proceedings, Provision for
~~no warranto and mandamus~~, so far as they affect corporate expediting certain
proceedings by
warran-
tions, more summary and expeditious; be it therefore
from and after the passing of this act, in all cases of
application to the court of Queen's Bench, either for a man-
ned to an election of any corporate officer or officers in any
mid boroughs, or for an information in the nature of a quo
that any person claiming to be a corporate officer of and in
mid boroughs, it shall be lawful for the party intending to
application to give notice in writing thereof to the party to be
by at any time not less than ten days before the day in the

to be held shall be held in the County of Middlesex, or in London, and that the issue or issues of fact thereon, if any, the sittings at *Nisi Prius* of the said court at Westminster by a jury of the same county or city respectively."

Office of the
treasurer not to
be subject to
annual election,
but to be during
the pleasure of
the councill.

Sect. 6. "And whereas the office of treasurer of and 1 boroughs is an office of great trust, and an annual appointment is inconvenient and unnecessary; be it therefore enacted, that much of the said hereinbefore first-recited act as provides in every borough shall in every year appoint a fit person of such borough shall be and the same is hereby repealed; council of every borough shall, on the 9th day of November the passing of this act, or on the 9th day of November next following, incorporate, appoint a fit person, not 1 of the council, to be the treasurer of such borough, and forth hold his office during the pleasure of the council for and on the happening of any vacancy thereafter, by despatch, or otherwise, the council shall proceed to the appointment of a successor, either at any of the general quarterly meetings or at a special meeting to be convened for that purpose, and such appointment be delayed beyond twenty-one days from the date of the vacancy."

Provision for the
appointment of a
deputy recorder
in certain cases.

Sect. 7. "And whereas inconvenience has arisen and will arise by reason that in the said first-recited act no provision is made for the holding of the borough sessions at the time appointed for that purpose, in case of the sudden illness or unavoidable absence of the recorder, on or immediately before which the sessions for any borough shall have been appointed or during the holding of such sessions; and it is deemed against such inconvenience; be it therefore enacted, That said first-recited act as provides, 'that in case of sickness or absence, the recorder of any borough shall be empowered, and seal, with the consent of the council of the said borough, to appoint a deputy recorder, being a barrister of five years standing at the quarter sessions then next ensuing, and no longer than the same is hereby repealed.'

In case of sickness
or absence the
recorder may
appoint a deputy recorder.

Sect. 8. "That in case of sickness or unavoidable absence of any borough shall be and he is hereby empowered, and seal, to appoint a deputy recorder, being a barrister of five

erwise, to such guardians; and such precepts shall have
such union so far as concerns such parishes as are within
the commission of the said justices, notwithstanding that the
dwelling of such guardians may not be situated within such
county being endorsed with the signature of any justice of
the ordinary jurisdiction in the place of meeting of the
such guardians shall raise the monies required by such ~~Guardians~~ to pay
paid in like manner as the money required by such ~~such rates.~~
be relief of the poor, and shall pay such monies at the time
the manner prescribed by such precepts; and if the
such guardians, or any person on his or their behalf, tender
of the county or place for which such justices act the
he said several sums, or if he so tender the whole sum
such parish or parishes in respect of any such rate or
with a copy of such precept in which are specified the
sums, and the rate or rates, in respect of which the same is
a treasurer of the county shall receive the sum so tendered,
g that the sums required to be paid on behalf of other of
or of other of such rates be not then tendered, and shall
or the sum or sums received by him accordingly, but he
re any sum on behalf of any such parish less than the
sum assessed and charged thereon in respect of one
d the receipt of the treasurer of such county or place shall
charge for the payment of the sums specified in any such
ty of them."

County treasurer
to receive the
same.

County Rates.

7 & 8 Vict. c. 23.

If the guardians fail to pay such rates, the justices may issue warrants to the overseers of parishes, &c. to pay the same.

If the overseers, &c. fail to pay, the justices may levy the rate by distress and sale.

Parishes not in arrear with contributions to be reimbursed by those which are in arrear.

Justices may issue precepts to the overseers of parishes, &c. not comprised in unions, or only

Sect. 2. "That in case guardians do not pay within the time in such precept the sum or sums of money therein required to be behalf of any parish, the said justices assembled as aforesaid in to be issued and sent, by post or otherwise, to the overseers of such parish, or to the petty constable or peace officer, or other persons empowered in any place to rate and levy the monies as such county police or other rate, warrants to collect, and treasurer of the county or place in which such justices act with to be named and limited in such warrants, the rate or rates in such parish or place respectively, together with an addition to such rates in the proportion of 1s. to every 10s.; and such addition shall be applied and disposed of in like manner as the county such overseers of the poor, petty constables, peace officers, persons may reimburse themselves, as well for such additional for the original amount of rate or rates, out of the monies which respectively empowered to rate and levy for the purpose of such police, or other rate, but shall not receive or take from the county any other rate, any allowance or compensation for their trou pences incurred in collecting, levying, or paying such county, other rate."

Sect. 3. "That if any overseer, petty constable, peace officer person as aforesaid refuse, make default, or neglect to pay to surer of the county or place, within the time limited as aforesaid sum or sums of money specified in the said warrants, and if the peace or treasurer of the county or place make complaint then any justice of the peace of such county or place may under his hand levy the same by distress and sale of the goods of the offender; and the justices assembled as aforesaid may pay to constable, messenger, or other person who may have been employed in making such complaint, or in obtaining, drawing, or executing warrant, such reasonable compensation out of the county stock said justices may seem fit."

Sect. 4. "That in every case where any parish comprised in such union has, on or before the day on which any precept as aforesaid is obeyed, contributed money sufficient to enable the guardians of such parish, as well as to provide for the immediate relief of such parish, and to satisfy all other obligations of the said parish in respect of such parish in force on that day, and where, through the fault of any other parish or parishes in the same union in demanding sufficient contributions from any other parish or parishes in the same union, the said guardians have applied the money of the mentioned parish to the use of such other parish or parish thereby rendered unable to pay any money so required by such precept on behalf of such first-mentioned parish, and such parish is therefrom compelled to pay the additional sum of 1s. in excess of what is hereinbefore provided, in every such case the guardians of such parish shall reimburse such first-mentioned parish such additional sum as costs incurred by reason of the premises, out of the monies of other parish or parishes which may next thereafter come into the hands of such guardians; and in case more than one parish be comprised in a union the said guardians shall charge such additional sum as every such parish, in proportion to the amount of the deficiency contribution of each parish respectively on the day on which such precept should have been obeyed."

Sect. 5. "That in the case of every parish not comprised in a union, and in which the laws for the relief of the poor are administered by a board of guardians, and in the case of every parish comprised in a union the guardians of which are not empowered to relieve the poor, and in the case of any parish comprised withi

essions are required to be holden for any division of any county , if notice of the intended holding of such special sessions be ny any one justice of the peace usually acting within such division if a copy of such notice be sent by post a reasonable time be day on which such sessions are to be holden, addressed to ice of the peace resident and usually acting within such division audience in such division, such notice shall be deemed to have ly given to or served on each such justice of the peace, any law or to the contrary notwithstanding."

8. " And whereas it is expedient to relieve high constables, in High constable cases, from the duty of attending at the court of quarter sessions ; enacted, That where high constables have heretofore been usually ed at courts of quarter sessions the high constables of such shall hereafter be appointed by such justices as may be present at cial sessions of their division held for the purpose of hearing ap- ginst the rates of the several parishes in such division, or at any ment thereof, but if the hundred or other like division of the for which any high constable is to be appointed be not included the limits of any one division of the county for which such spe- sions are held, then the justices of the peace for the county assem- general or quarter sessions, or any adjournment thereof, may from time determine the division of the special sessions at which such constable is to be appointed, and shall cause notice of such deter- in to be sent by post, or otherwise, to the high constable for the sing of such hundred or other like division ; and every high con- High constables whether appointed at a special sessions, or at an adjournment to take only the

County Rates.

7 & 8 Vict. c. 33.
oath for due
execution of their
office.

Construction of
the words
"parish,"
"union,"
"guardians."

thereof, or at a court leet, or any other special court, shall, if present at the time of his being appointed, then and there take his oath for the execution of his office, and if otherwise, he shall forthwith, on receipt of his appointment, go before the next or some other justice of the peace for the county in which he resides, and then and there take the said oath of office, and he shall not, in virtue of his office of high stable, be required to take any other oath than the said oath for the execution of his office."

Sect. 9. "That in the construction of this act the word 'parish' shall be construed to include any township, vill, or place maintaining poor, whether parochial or extra-parochial, or any part of a parish, township, vill, or other place for which a separate poor rate may be levied; the word 'union' shall be construed to mean and include any two or more parishes united under the act passed in the fifth year of the reign of the late majesty king William the Fourth, 'for the Amendment and Administration of the Laws relating to the Poor in England,' or under any act passed in the twenty-second year of the reign of his late majesty king George the Third, 'for the better Relief and Employment of the Poor,' or under any local act; and the word 'guardians' shall include any board of guardians acting under the provisions of any act passed in the fifth year of his late majesty king William the Fourth, and empowered to relieve the poor of any parish or union, and their factors, guardians, directors, managers, acting guardians, vestrymen, and other officers in a union appointed to act in the ordering of relief of the poor from the poor rate under any general or local act of parliament; and the word 'hundred' shall mean and include any hundred, tithing, take, ward, or other district in the nature of a hundred, by name denominated."

SCHEDULE to which this Act refers.*Form of Precept.*

County of to wit.	{ To the Guardians of the	Union
------------------------------------	----------------------------------	--------------

These are to require you, the Guardians of the Union, out of the monies paid into the hands of the treasurer of your Union, for the uses and purposes of the said Union, to pay or cause to be paid, on the day of into the hands of A. B., treasurer of the Union, appointed to receive the same, the sum of being the amount of several and respective sums of money hereunder set down and expressed to and against the names of the several parishes, townships, or places comprised within your said Union, the said several sums being respectively assessed and assessed thereon as the proportion of the several parishes, townships, or places towards the general county rate, at in the pound, in the last quarter sessions [or general sessions] of the peace held at for the said county [and towards a police rate, at in the pound, at the same time and place].

[Signature of the clerk of the peace]

NAMES OF PARISHES.	County Rate, at in the Pound.	Pol at in the Pound.
	£ s. d.	£

, either from ceasing to practise as a barrister or for any other reason making his award, the several parties in the said several acts shall be authorized and required to name another barrister for all the purposes in the said several acts mentioned, or any like manner as if no appointment had been made under the said acts, the barrister so newly named shall have the same authority in matters in difference as if no other appointment had been made in every such case in which, before the passing of this act, a barrister has been appointed to settle or determine any matters in any cause unsettled or undetermined by the barrister first appointed in that cause, the appointment of such second barrister shall be deemed valid, and the barrister so secondly appointed shall be deemed to have and to hold from his appointment the same authority as if appointed under

Counties.

SURVEY OF COUNTIES, see "Survey," Vol. V.
7 & 8 Vict. c. 61, intituled "An Act to annex detached Parts of Counties in which they are situated," [6th August, 1844.]
t there exists in England and Wales parts of counties detached from the body of the county, and delay and hindrance to the administration of justice ensue, and inconvenience in other respects; and that it is to remedy the said evil; it is therefore enacted, "That from the 20th day of October next every part of any county in En-
Detached portions of counties

County Rates.

7 & 8 Vict. c. 61.
to be part of the county by which they are surrounded.

2 & 3 Will. IV. c. 64. (See "Parliament," Vol. V.)

6 & 7 Vict. c. 12.

Detached parts to belong to adjoining hundred, &c., or to form a separate hundred.

Provision as to special and petty sessions.

9 Geo. IV. c. 43.

6 & 7 Will. IV. c. 12.

Error in stating name of county not to invalidate legal documents.

Saving of ecclesiastical rights.

Saving the rights

gland or Wales which is detached from the main body of such shall be considered for all purposes as forming part of that of which it is considered a part for the purposes of the election of to serve in parliament as knights of the shire, under the provision act passed in the third year of the reign of his late majesty, 'An Act to settle and to describe the Divisions of Counties and of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament:' Provided always, that herein contained shall be construed to alter the county, riding, or to which any such detached part shall be deemed to belong for the purpose of holding inquests, under the provisions of an act passed in the sixth year of the reign of her majesty, intituled 'An Act for the convenient holding of Coroner's Inquests.' (As to which, see ante, title "Coroner.")

Sect. 2. "That every such detached portion which under the of this act shall be annexed for purposes other than that of members of parliament to any county to which it did not belong for purposes before the passing of this act shall thenceforth be part of the hundred, wapentake, ward, rape, lathe, or other hundred by which it is wholly or for the most part surrounded, or to the next adjoining, in the county to which it will thenceforth belong the justices of the county, riding, parts, or division, in general session assembled, shall declare it to be a new or separate or other like division, which they shall be empowered to do; and lawful for the justices of such county, riding, parts, or division or quarter sessions assembled, in every case in which there is to them to be any doubt to which of such divisions any such detached part shall belong under this act, to declare the division to which it is taken to belong; and such determination shall be final and conclusive and shall be published in the *London Gazette*, the production of which paper shall be evidence thereof."

Sect. 3. "That in all cases where any such detached part shall have formed before the passing of this act a separate hundred which special and petty sessions of the peace for such county had been usually holden, such detached part shall remain a separate hundred for special and petty sessions of the county to which it shall belong after the passing of this act, until the justices of the county, riding, parts, or division to which it shall be annexed after the passing of this act have reconstituted such division for special and petty sessions under the provisions of an act passed in the ninth year of King George the Fourth, intituled 'An Act for the better Regulation of Divisions in the several Counties of England and Wales,' and an act passed in the sixth and seventh years of the reign of King George the Fourth, intituled 'An Act for amending an Act of the Ninth Year of his late Majesty King George the Fourth, intituled "An Act for the better Regulation of Divisions in the several Counties of England and Wales."'

Sect. 4 provides and enacts, "That no judicial proceeding, or other instrument in writing, shall be invalidated by reason of a statement in it respecting the name of the county to which such detached portion belonged, instead of the county to which it will belong under the converse; and that every proceeding at law, whether civil or criminal, already commenced, or to be commenced before the 20th day of April next, shall and may be prosecuted and heard and determined as if this act had not been passed, save and except in so far as it may be otherwise ordered by any of her majesty's superior courts of common law having jurisdiction in any case in which such order is made."

Sect. 5 provides and enacts, "That nothing herein contained shall alter or interfere with any ecclesiastical jurisdiction or right of presentation."

Sect. 6. "And whereas as to some such detached parts

Cricket.

See Addenda to, title "Gaming," post.

Curling.

See Addenda to, title "Gaming," post.

Death, Punishment of.

4 & 5 Vict. c. 56, intituled "An Act for taking away the Punish- 4 & 5 Vict. c. 56.
Death in certain Cases, and substituting other Punishments in
sof," [22nd June, 1841.] reciting whereas it is expedient to alter
and various statutes now in force in that part of the United
Kingdom called England relative to certain offences by the said sta-
tutes punishable with death: and whereas by an act passed in the 15 Geo. II. c. 13.
year of the reign of his late majesty king George the Second, s. 12.
"An Act for establishing an Agreement with the Governor
and Company of the Bank of England for advancing the Sum of
One million six hundred thousand Pounds towards the Supply for the
Year One thousand seven hundred and Forty-two," it was
other things enacted, that if any officer or servant of the said
company, being intrusted with any note, bill, dividend warrant, bond,
or any security, money or other effects belonging to the said com-
pany having any bill, dividend warrant, bond, deed, or any security
of any other person or persons lodged or deposited with the said

*Desist, Punish- company, or with him as an officer or servant of the said com-
ment of. secrete, "embezil," or run away with any such note, bill, divides*

4 & 5 Vict. c. 56.

35 Geo. III. c. 66.
s. 6.

**Embezzlement by
servant of Bank
of England of any
note, bill, divi-
dend warrant, &c.
relating to Irish
annuities trans-
ferred to Bank of
England.**

37 Geo. III. c. 46.
s. 6.

**Embezzlement by
any servant of
Bank of England
of any note, bill,
&c. relating to
certain other
annuities trans-
ferred to Bank of
England.**

24 Geo. II. c. 11.

Embezzlement by servant of South Sea Company of notes, bills, &c. of company.

are to be cut, torn, or got off, the impression of any stamp should have been provided, made, or used, in pursuance of former act, for expressing or denoting any duty or duties of the management of the commissioners of stamps, or any duty or duties, from any vellum, parchment, or paper whatsoever to use the same for or upon any other vellum, parchment, or any instrument or writing, charged or chargeable with such thereby granted, then and in every such case every person, and every person knowingly and wilfully aiding, abetting any person or persons in committing any such offence and being thereof lawfully convicted, should be adjudged guilty, and should suffer death as a felon, without the benefit of clergy: and whereas also by an act passed in the fifty-fifth year of the 55 Geo. II.c.185
aid late majesty king George the Third, intituled "An Act s. 7.
the Stamp Office Duties on Advertisements, Newspapers,
Silver Plate, Stage Coaches, and Licences for keeping Stage
payable in Great Britain, and for granting new Duties in
it was among other things enacted, that if any person should remove, or cause to be transposed or removed, from one

Stamp duties on gold and silver plate.

or silver plate to another, or to any vessel or ware of base impression made with any mark, stamp, or die, which should have been made, or used, in pursuance of that or any former act, of marking or stamping of any such gold or silver plate or if any person should sell, exchange, or expose to sale, or in Great Britain, any such gold or silver plate, or any vessel or metal, having thereupon any impression of any mark, stamp, should have been transposed or removed from any other piece aforesaid, knowing the same respectively to be transposed or aforesaid, or if any person should privately and secretly use stamp, or die so provided, made, or used as aforesaid, with intent his majesty, his heirs or successors, then every person so doing every person knowingly and wilfully aiding, abetting, and any person or persons in committing any such offence as afore-mentioned lawfully convicted, should be adjudged guilty of felony, and should suffer death as a felon, without benefit of clergy: and an act passed in the sixth year of the reign of king George 6 Geo. IV. c. 85.

Punishment.

7 & 8 Geo. IV. c.
30. s. 8.

Riotous demoli-
tion of churches,
houses, &c. not to
be punishable
with death.

given or awarded against persons convicted of the
of them respectively, be liable, at the discretion of th
ported beyond the seas for the term of the natural life
for any term not less than seven years, or to be imp
not exceeding three years."

Sect. 2. " And whereas by an act passed in the eight
of his late majesty king George the Fourth, intituled
lidiating and amending the Laws in England relative
to property, it was amongst other things enacted,
riotously and tumultuously assembled together to th
public peace should unlawfully and with force dem
destroy, or begin to demolish, pull down, or dest
chapel, or any chapal for the religious worship of
from the united church of England and Ireland, di
corded, or any house, stable, coach-house, outhouse
shop, mill, malthouse, hop-oast, barn, or granary, or i
tion used in carrying on any trade or manufacture, or
or any machinery, whether fixed or moveable, prepare
any manufacture or in any branch thereof, or any at
engine for sinking, draining, or working any mine, i
ing, or erection used in conducting the business of any
waggon-way, or trunk for conveying minerals from a
offender should be deemed guilty of felony, and bei
should suffer death as a felon ; and that in case of
able under that act every principal in the second deg
sory before the fact, should be punishable with de
the same manner as the principal in the first degree wa
able : and whereas it is expedient that the said law
should be no longer punishable with death ; be it the
from and after the commencement of this act, if
convicted of any of the said offences hereinbefore la
as principal, or as principal in the second degree, of
the fact, such person shall not be subject to any ser
punishment of death, but shall, instead of the sente
and by the said act hereinbefore last recited ordi

that in awarding the punishment or imprisonment for any Imprisonment
able under this act, it shall be lawful for the court to direct may be with or
not to be with or without hard labour in the common gaol without hard
rerection, and also to direct that the offender shall be kept labour.
inment for any portion or portions of such imprisonment,
ame be with or without hard labour, not exceeding one
one time, and not exceeding three months in any one year,
in its discretion shall seem meet."

hat nothing in that act contained shall be construed to ex- Act not to alter
eration or repeal of any of the powers, provisions, or regu- 5 & 6 Will. IV.
ed in an act passed in the fifth and sixth years of the reign c. 38, or 4 Geo.
esty king William the Fourth, intituled 'An Act for effect- IV.c. 64.

niformity of Practice in the Government of the several
gland and Wales, and for appointing Inspectors of Prisons
in,' or in an act passed in the fourth year of his majesty
he Fourth, intituled 'An Act for consolidating and amend-
relating to the building, repairing, and regulating of certain
uses of Correction in England and Wales.'"

hat none of the offences hereinbefore specified shall be Offences not to be
before any justices of the peace at any general or quarter tried at sessions.
peace."

hat this act shall commence and take effect on the 1st day Commencement of
341." act.

ct. c. 10, intituled " An Act for removing Doubts as to the 6 Vict. c. 10.
which may be awarded under the Provisions of an Act of the
ifth Years of Her present Majesty, ' for taking away the
of Death in certain Cases,' for certain Offences therein
[th April, 1843,] reciting that in and by the 4 & 5 Vict. c. 56,
t other things enacted, that by an act passed in the eighth
ign of his late majesty king George the Fourth, intituled,
consolidating and amending the Laws relating to malicious
roperty," it was amongst other things enacted, that if any
isly and tumultuously assembled together to the disturbance
peace should unlawfully and with force demolish, pull down,
r begin to demolish, pull down, or destroy, any church or
chapel for the religious worship of persons dissenting from
arch of England and Ireland, duly registered or recorded, or
able. coach-house. outhouse. warehouse. office. shon. mill.

Punishment for
offences herein-
before specified.

sons for the term of their natural lives, and that it is an end to such doubts; it is therefore enacted, "That from passing of this act, if any person shall be convicted of any hereinbefore in the said act first above recited specified, he shall be liable at the discretion of the court, to be transported for the term of the natural life of such person, or for more than seven years, or to be imprisoned, with or without any time not exceeding three years."

Disorderly
houses.

An action, founded on the statute 25 Geo. II. c. 36, inhabitants who had given information, &c. to the parish A. R. keeping a disorderly house, in consequence of which he was indicted and pleaded guilty to the charge, was held to be liable against two defendants, who, though not overseers at the time of A. R., were overseers at the time A. R. was brought up. Held also, that it was sufficient to show a demand made upon the defendants to pay the plaintiff the sum of £100, in order to entitle him to maintain the action against them, the penalty given by the act, although there were also churchwardens whom no demand had been made. (*Burgess v. Hoole*, 1 May. Cas. 122.)

It was made a question, but not decided in that case, whether churchwardens are overseers within the stat. 25 Geo. II. c. 36.

Distress for rent.

A COMMITMENT under 11 Geo. II. c. 19, s. 4, for want of goods, omitted to state a complaint, in writing, by the bailiff, agent, or servant. The order of adjudication stated to have been duly charged, in writing, before the magistrate who held the commitment, on the 1st of March, 1744.

Distress for Rent.

to give evidence thereon, it shall be lawful for such such person to any house of correction within their jurisdiction to remain without bail or mainprise for any time not exceeding or until such person shall sooner submit himself to be case of such submission the order of any such justice a warrant for the discharge of such person."

Rules &c. printed
by the printer
authorized by her
majesty to be
received in
evidence.

Evidence in legal
proceedings of the
transmission of
the commissioners' rules, &c.

Sect. 71. "And whereas it is provided by the said first rules, orders, and regulations made by the said commissioners the authority of the said act shall be as valid and binding as if the same were specifically mentioned in the said act; but no sufficient provision is made for orders to the knowledge of courts of justice; be it therefore enacted, that any copy of any such rule, order, or regulation, printed duly authorized by her majesty or any of her royal predecessors, shall, after the lapse of fourteen days from the receipt of the same in evidence, and judicially taken notice of, as contrary be shown, be deemed sufficient proof that such rule, order, or regulation was made, and is in force."

Sect. 72. "And whereas it is provided by the said first written or printed copy of every rule, order, or regulation made by the said commissioners shall, before the same shall come into operation, be sent by the said commissioners by the manner as the commissioners shall think fit, sealed or unsealed, addressed to the overseers of such parish, the union, or their clerk, and to the clerk to the justices of the peace held for the division in which such parish or union lies, and whereas the proof of such sending is often attended with expence and difficulty; be it enacted, That it shall not be necessary to prove such sending, but to the guardians of the union or of the parish, or, where there are no guardians, to the overseers of the parish within which such rule or regulation is intended to have effect; and that it shall not be necessary to prove such sending unless reasonable cause can be given, by the party requiring such proof, to the party requiring such proof to lie, that such proof will be required: and

B. 117; 2 P. & D. 283. S. C."

margin reference, line 3, for "(2)" read "(1)."'

5th line from bottom, for "cement, stone," read "cement-

nation for penalties, under the 3 & 4 Will. IV. c. 53, s. 44, defendant with being concerned in the unshipping of goods, on which had not been paid; with knowingly harbouring sted and illegally unshipped, without payment of duties; and xfeues under that section. It appeared at the trial, that a . prevailed at the custom-house of allowing the owners of im- ls to take them away without payment of duty at the time, them having been previously made in a book kept by the d that the fraud complained of had been effected by a clerk idant's removing some of the leaves from the custom-house ubstituting others containing false entries of the quantity of rted. There was no direct proof that this fact was known to the ut he derived benefit from the fraudulent transaction:—Held, these circumstances, the jury might infer that the defendant o the fraud. The 44th section of the 3 & 4 Will. IV. c. 53, "every person" who shall be concerned in the unshipping of lutes for which have not been paid, &c., shall forfeit either alue thereof, or be liable to the penalty of 100*l.* The defend- partner having been separately convicted of the same offence: it each was liable to the penalties imposed by the act. (Reg. M. & W. 39.)

Excise and Customs.

5 & 6 Vict. c. 47.

Management.

The act 3 & 4 Will. IV. c. 51, to be registered in royal court of Jersey, although Jersey is not specially named in that act.

Regulation.

Certain prohibitions repealed.

Fish of foreign taking, train oil, &c. prohibited to be imported, unless in vessels clearing regularly from a foreign port.

Repeal of so much of 3 & 4 Will. IV. c. 52, as permits turbots to be landed without entry.

Tobacco, the produce of Mexico, &c. may be imported from British possessions in packages of 80 lbs. and negrohead tobacco from United States in packages of 150 lbs.

Repealing so much of 3 & 4 Will. IV. c. 52, as requires weight of tobacco to be marked upon casks, &c.

Tobacco may be re-imported into

The following sections of the 5 & 6 Vict. c. 47, referred to in under the respective heads of "Management," "Regulation," "Smuggling," are here printed at full length:—

The 5 & 6 Vict. c. 47, sect. 2, reciting, "That whereas one act was passed for the management of the customs, and it is to amend the same: and whereas the provisions of the said act extend to the island of Jersey, so far as the same are to that island, according to the laws thereof, although the said island is not specially named therein: and that the said island is not specially named in the said act, the same has not been registered in the royal court of the said island, enacts, 'That the said royal court have full power and authority and is hereby required to register the same manner as if the said island had been specially named therein.'" (See vol. ii., p. 481, n. (a).)

Sect. 3, reciting, "That whereas by one of the said acts, intituled 'An Act for the Regulation of the Customs,' several sorts of goods rated or described in a table of prohibitions and restrictions therein set forth, are absolutely prohibited to be imported into the United Kingdom, and it is expedient to repeal several of the same prohibited by the said act: enacts, 'That so much of the said act and table as prohibits the importation into the United Kingdom of beef or pork, fresh or slightly salted, great cattle, mutton, lamb, sheep, swine, foreign taking or curing, or in foreign vessels, shall be and is hereby repealed.'" (See vol. ii., p. 512, n. (a).)

Sect. 4 provides and enacts, "'That all fish of foreign taking, anchovies, eels, turbot, and lobsters, and all train oil, blubber oil, head matter, skins, bones, and fins, the produce of fish living in the sea, and of foreign taking, shall be and the same prohibited to be imported into the United Kingdom in fishing-vessels, in any other vessels, unless such other vessels shall have put out regularly from some foreign port; and if any such fish or other creatures living in the sea shall be so imported into the United Kingdom the same shall be forfeited.'" (See vol. ii., p. 512, n. (a).)

Sect. 5 enacts, "That so much of the said last-mentioned act as permits turbots of foreign taking, or imported in a foreign ship, to be landed in the United Kingdom, without report, entry, or warrant, is of the said act as excepts such turbots from the regulation of places of landing, and presence of officers of customs shall be repealed." (See vol. ii., p. 512, n. (c).)

Sect. 6, reciting, "That whereas by the said last-mentioned act passed in the sixth and seventh years of the reign of majesty king William the Fourth, intituled 'An Act to amend the law relating to the Customs,' certain restrictions are laid down in the packages in which tobacco may be imported into the United Kingdom; enacts, 'That the said restrictions shall not extend to tobacco, the produce of and imported from the United States in packages of not less than one hundred and fifty pounds weight, nor to any tobacco the produce of Mexico, Columbia, or the South America, or the islands of Saint Domingo and Cuba, imported from the warehouse in any British possession in packages of not less than eighty pounds weight each.'" (See vol. ii., p. 513, n. (e).)

Sect. 7, reciting, "That whereas by the said act for the regulation of the customs, tobacco is prohibited to be imported into the United Kingdom unless the particular weight of tobacco in each hogshead, or case, with the tare of the same, be marked thereon; it is expedient to repeal so much of the said act, enacts, 'That after the passing of this act so much of the said last-mentioned act hereinbefore set forth shall be repealed.'" (See vol. ii., p. 513, n. (f).)

Sect. 8, reciting, "That whereas by the said last-mentioned articles therein mentioned, which have been exported from

cannot be re-imported for home use by bill of store, and it is
remove such restriction from the article of tobacco; enacts,
such of the said act as restricts the re-importation of tobacco
United Kingdom shall be and the same is hereby repealed:
always, that such tobacco so re-imported shall be subject to all
tions imposed by law upon tobacco imported into the United
and liable to forfeiture if imported contrary to such restric-
(See vol. ii., p. 513, n. (e).)

Excise and
Customs.5 & 6 Vict. c. 47.
United Kingdom
by bill of store.

, reciting, "That whereas by the said last-mentioned act it is pro-
every manifest for tobacco shall be a separate manifest, distinct
manifest for any other goods, and shall without fail contain the
weight of tobacco in each hogshead, cask, chest, or case, with
of the same, and that if such tobacco be the produce of the
of the grand seignor, then the numbers of parcels or bundles
any such hogshead, cask, chest, or case shall be stated in such
and it is expedient that so much of the said act should be re-
enacts, 'That so much of the said last-mentioned act as is herein-
forth shall be and the same is hereby repealed: provided
that the general manifest shall include tobacco in common with
goods imported in British ships.' " (See vol. ii., p. 496, n. (f).)

So much of the
8 & 4 Will. IV.
c. 52, s. 3, as
requires a sepa-
rate manifest for
tobacco, repealed.

enacts, "That no drawback shall be allowed on any tobacco
shall not have been wholly manufactured from tobacco on which
duty on importation shall have been paid, nor on any tobacco
shall be mixed with dirt or rubbish or any other ingredients; and
person who shall enter or ship, or cause to be entered or shipped,
ace or cause to be produced to any officer of customs to be
for exportation or for stores, any tobacco not entitled to draw-
with intent unduly to obtain any drawback thereon, or any greater
ack than he would otherwise be entitled to, shall, over and above
er penalties which he may thereby incur, forfeit treble the amount
drawback sought to be obtained, or 200*l.* at the election of the
missioners of customs; and all such tobacco shall be forfeited, and
be seized by any officer of customs or excise." (See vol. ii., p. 517, n.
p. 524, n. (b).)

No drawback on
tobacco not pro-
perly manufac-
tured, and penalty
on persons frau-
dulently attempt-
ing to obtain
drawback.

Sect. 11, reciting, "That whereas goods of foreign manufacture have
imported into the United Kingdom, and into the British possessions
abroad, bearing the names, brands, or marks of manufacturers resident
in the United Kingdom, to the great prejudice of such manufacturers:
that it is expedient that regulations should be made for the preven-
tion of such importations; enacts, 'That from and after the 5th day of
January, 1843, any articles of foreign manufacture, and any packages of
articles, imported into the United Kingdom or into the British
possessions abroad, bearing any names, brands, or marks purporting to
the names, brands, or marks of manufacturers resident in the United
Kingdom, shall be forfeited.' " (See vol. ii., p. 496, n. (e); p. 514, n. (c).)

Foreign goods
bearing names or
marks of manufac-
turers in United
Kingdom on im-
portation after
5th January, 1843,
to be forfeited.

Sect. 12, reciting, "That whereas by the said last-mentioned act, and by
certain subsequent acts to amend the laws relating to the customs, certain
restrictions are imposed on the importation of spirits, and it is expedient
to relax such restrictions in certain cases of importation of spirits in stone
bottles not exceeding the size of quart bottles; enacts, 'That nothing in
said recited acts shall extend or be deemed to extend to restrict the
importation of spirits in stone bottles not exceeding the size of quart
bottles, such spirits being really part of the cargo of the ship or vessel
in which the same are imported, and included in the manifest or other
papers enumerating or descriptive of the cargo of such ship or vessel.' "
(See vol. ii., p. 513, n. (b).)

Spirits may be
imported in sto-
bottles not ex-
ceeding size of
quart bottles.

Sect. 13, reciting, "That whereas by the said act for the regulation of the
silks the importation of the silk manufactures of Europe is restricted
certain ports in the United Kingdom, and it is expedient that such
manufactures should be imported into and warehoused at the port of
Southam-

*Excise and
Customs.*

5 & 6 Vict. c. 47.

Sugar ; no allow-
ance for damage.

Goods under-
valued officers
may detain.

Provisions of the
122nd section of
the 3 & 4 Will. IV.
c. 52, not to
extend to ware-
housing bonds.

Certain goods
derelict, &c., no
abatement of
duties thereon to
be made on
account of
damage.

6 & 7 Will. IV.
c. 60.

Southampton ; enacts, ‘That manufactures of silk, being the
tutes of Europe, shall be and the same are hereby permitted
ported into and warehoused at the said port of Southampton ;
in any act or acts of parliament to the contrary thereof notwithstanding
(See vol. ii., p. 513, n. (a).)

Sect. 14, reciting, “That whereas by the said act for the regula
customs, it is enacted, that in respect of certain goods enumera
contained in the said act no abatement of the duties of importa
be made on account of damage sustained during the voyage
expedient to disallow such abatement in respect of sugar ; em
such abatement in respect of sugar shall be unlawful, and di
(See vol. ii., p. 573.)

Sect. 15, reciting, “That whereas by the said last-mentio
officers of customs are authorized to detain and secure good
value, if upon examination it shall appear to them that such
not valued according to the true value thereof, and within cer
therein mentioned to take such goods for the use of the crow
expedient to make further provision for the security of the r
the accommodation of the merchant importing such goods ; e
if upon the examination of any goods entered to pay duty
the value thereof it shall appear to the officers of customs tha
are not valued according to the true value thereof, it shall
such officers to detain and secure such goods, and within sev
the day on which the goods shall be finally examined by the p
by virtue of a duty paid entry, if it be in England, or within t
such last-mentioned day if it be in any port in Scotland, Ir
Isle of Man, to take such goods for the use of the crown ;
missioners of her majesty’s customs shall thereupon cause th
such valuation, together with an addition of 10l. per cen
and also the duties paid upon such entry, to be paid to
or proprietor of such goods in full satisfaction of the sam
deal with such goods in such and the like manner as good
stanced are directed to be dealt with by the said last-ment
(See, vol. ii., p. 502, n. (f).)

Sect. 16, reciting, “That whereas by the said last-mentio
enacted, that all bonds relating to the customs required to
respect of goods or ships shall be taken by the collector and
for the use of his majesty, and that after the expiration of thr
the date thereof, or from the time (if any) limited therein
formance of the condition thereof, every such bond upo
prosecution shall have been commenced shall be void,
cancelled and destroyed : and whereas it is expedient to am
of the said last-mentioned act as regards bonds given for
due exportation of or payment of duty upon goods warehou
to law ; enacts, ‘That so much of the said last-mention
hereinbefore recited shall not extend to any bond given for
due exportation of or payment of duty upon goods so w
(See vol. ii., p. 515 ; and p. 531. n. (b).)

Sect. 17, reciting, “That whereas by an act passed in th
seventh years of the reign of his said late majesty king
Fourth, intituled ‘An Act to amend the Laws relating to th
it is provided, that the commissioners of his majesty’s cu
make such an abatement of the duties payable upon cer
goods derelict, jetsam, flotsam, and wreck, as shall appear t
proportion to the damage received by such goods ; and it
for the due protection of the revenue, that no abatement
should be made upon cantharides, cocoa, coffee, coccus indic
fige, guinea grains, ipecacuhana, jalap, lemons, nux vomica,
oranges, pepper, raisins, rhubarb, sarsaparilla, senna, spirit
tobacco, and wine ; enacts, ‘That no abatement of the d

i. 519.)

acts, "That it shall not be lawful for any person to act as Unlicensed persons transacting certain business relating to customs in port of London to forfeit 100l.

transacting business at any place in the port of London date to the entry or clearance of any ship, or of any goods, gage, unless authorized so to do by licence from the com- her majesty's customs, as required by the said act for the nation of the customs; and if any person shall act as such ing so licensed, such person shall for every such offence n of 100l." (See vol. ii., p. 535. n. (c).)

citing, "That whereas by the said last-mentioned act a draw- hole of the duties of custome is allowed for wine intended mption of officers of his majesty's navy on board such of his s in actual service as they shall serve in, not exceeding the wine therein mentioned, provided that such wine be shipped a ports, also therein mentioned, and it is expedient to amend enact, ' That wine shipped for drawback for the con- officars of her majesty's navy under the provisions of the be shipped from the port of Liverpool, in like manner as ow permitted to be shipped at any port therein mentioned.'"

i. 524.)

citing, "That whereas by the said last-mentioned act books d or written or printed in the United Kingdom, and printed in any other country, imported for sale, except books not the United Kingdom within twenty years, or being parts of e greater parts of which had been composed or written Repeal of 3 & 4 Will. IV. c. 82, s. 58, as to books printed in United Kingdom, and reprinted abroad.

absolutely prohibited to be imported into the United Kingdom:

Excise and
Customs.

5 & 6 Vict. c. 47.

Books wherein
the copyright
subsists pro-
hibited to be
imported.

No book pro-
hibited unless
notice is given
that copyright is
subsisting.

Printed lists of
works to be
publicly exposed.

Ships not liable to
tonnage rate
under 4 & 5 Will.
IV. c. 32, where
their cargoes are
reported for ex-
portation, and
they leave port of
London without
breaking bulk.

Goods the pro-
duce of British
possessions
abroad to be cer-
tified as such upon
clearance.

Power to lords of
treasury to
require certifi-
cates of produc-
tion

Goods imported
without certifi-
cates of produc-
tion (if required),
or certificates of
clearance, to be
deemed foreign;
and such goods,
and also foreign
goods imported
from a British
possession, to be

and that great abuse has prevailed with respect to the introduction of books wherein the copyright subsists into this country for private use of such works so re-printed above great injury of the authors thereof and of others; enacts, " and after the 1st day of April 1843, so much of the said act as is hereinbefore recited shall be repealed." (See vol. ii., p. 512. n.)

Sect. 24 enacts, " That from and after the said 1st day of April books wherein the copyright shall be subsisting, first composed or printed in the United Kingdom, and printed or re-printed in any other country, shall be and the same are hereby absolutely prohibited to be imported into the United Kingdom." (See vol. ii., p. 512. n.)

Sect. 25, provides and enacts, " That no such book shall be prohibited to be imported unless the proprietor of such copyright shall give notice in writing to the commissioners of customs that the copyright subsists, and in such notice shall state when such copyright shall expire; and the said commissioners of customs shall make, and to be publicly exposed at the several ports of the United Kingdom from time to time, printed lists of the works respectively for which such notice shall have been duly given, and of which such copyright shall not have expired." (See vol. ii., p. 512, n. (b).)

Sect. 26, reciting, " That whereas by an act passed in the fifth years of the reign of his late majesty king William the Third, intituled ' An Act for reducing the Tonnage Rates payable in London,' certain rates are imposed upon ships or other vessels entering inwards and clearing outwards in the port of London, and it is enacted to amend the same in respect of ships or other vessels reporting to the port of London with their cargoes for exportation, and ultimately leaving the port with their cargoes for exportation, and ultimately leaving the port without breaking bulk; enacts ' That no tonnage rate shall be payable under this act on ships or other vessels entering inwards or clearing outwards in the said port, in cases where the cargoes are reported to the port of London, and ultimately the ships or other vessels leave the port without breaking bulk, or taking in merchandize for the purpose of exportation.' "

Sect. 27, reciting, " That whereas by the said act for the regulation of the customs it is enacted that no goods shall be admitted to be imported into the United Kingdom from any British possession in America (if any there be) unless the master of the ship importing the same shall have delivered to the collector or comptroller a certificate in hand of the proper officer of the place where such goods were on board of the due clearance of such ship from thence, containing a true and exact account of such goods; enacts ' That from and after the 5th day of April 1843, so much of the said act as is herein lastly above recited shall apply to all goods coming from any British possession abroad, except those territories subject to the government of the presidencies of Fort William, Fort Saint George, and Bombay respectively.' " (See vol. ii., p. 506, n. (c).)

Sect. 28, reciting, " That whereas in certain cases certificates of production are required by law for certain articles upon the importation of the same into the United Kingdom; and it shall be lawful for the commissioners of her majesty's treasury, or for three or more of them, by any order under their hands, to require a certificate of production shall be required upon such exportation for any goods whatsoever, and to frame such regulations respecting such certificates as they may think fit; and if in respect of which such a certificate shall have been so required, in respect of which a certificate of production, or any such clearance as aforesaid, shall be required by any law for the protection of the force, shall be imported into the United Kingdom without such certificate respectively, the same shall be deemed and taken to be of foreign growth, produce, or manufacture; and all goods so deemed to be of foreign growth, produce, or manufacture, and all whatsoever of the growth, produce, or manufacture of foreign

erwise place the same in such manner as the commissioners to enable officer
of customs to
take a true and correct account thereof; and that in all
hen the same is measured in bulk, the measurement shall
the full extent of the pile, and that no allowance shall be
officers on account of the interstices arising out of such
ting, piling, framing, or placing: provided always, that all
is, deals, and planks exceeding twenty-one feet in length
red by the piece, and the account thereof taken sepa-

acts, "That the times, places, and manner of landing fo-
ported into the United Kingdom, and of reporting and
ame, and of paying the duties due thereon, shall be subject
tions and directions as the commissioners of her majesty's
from time to time make respecting the same; and that all
uladen from any vessel contrary to any such regulations
: shall be forfeited." (See vol. ii., p. 508.)

citing, "That whereas by one other of the said acts, inti-
t for the Prevention of Smuggling, every person, being a
majesty, who shall be found or discovered to have been on
seal or boat liable to forfeiture under the said act, or any
ting to the customs, for being found or discovered to have
ny of the ports or places in the said act mentioned, in the ty
lom or in the Isle of Man, having on board or in any man-
hereto, or having had on board or in any manner attached
goods or things as subject such vessel or boat to forfeiture,
orfeite the sum of 100*l.*, and may be detained as therein
that doubts have arisen whether the provisions of the said
persons found on board any of her majesty's shipes or ves-
ersons found on board shipes or vessels in her majesty's
or service; enacts and declares, 'That all the said herein-
d provisions of this said last-mentioned act shall extend
ed and taken to extend to persons found or discovered to
board all such shipes or vessels.' (See vol. ii., p. 549, n. (e).)

citing, "That whereas by the said act for the prevention of Writ of habeas
is enacted, that no writ of *habeas corpus* shall issue from

Foreign fish to be
landed and
entered under
directions of com-
missioners of
customs.

Smuggling.

Declaring powers
of 3 & 4 WILL. IV.
c. 58, to extend to
persons found on
board her majes-
ty's ships and
vessels.

Writ of habeas
corpus not to

Excise and Customs.

5 & 6 Vict. c. 47.

Westminster, Dublin, or Edinburgh, or by any of her majest
of any of the said courts, unless there shall be produced to
or judge an affidavit in writing duly sworn, stating that no
issuing of such writ was given to the solicitor for the custom
his office, four clear days before the return of such writ; and
respect to all such writs there shall be an interval of four
between the day on which they issue and the day on whic
returnable; and that any such writ issuing without such noti
being in conformity to the directions herein contained, shall be
intents and purposes whatsoever." (See vol. ii., p. 561, (n. a

Certain of the duties imposed by the 5 & 6 Vict. c. 47, being the following act, such portions of it as apply are here given 5 & 6 Vict. c. 56, intituled 'An Act for further amending the Laws relating to the Customs,' [30th July, 1842,] and reciting, That passed in this present session of parliament, intituled 'An Act for further amending the Laws relating to the Customs,' and by clause five of the said act annexed, certain duties of customs are imposed upon woods not otherwise charged from and after the 10th day of October, 1842: and that among other articles enumerated in the said clause five, duties are imposed upon wood of or from foreign countries otherwise dressed or prepared for use, and not particularly nor otherwise charged with duty: and that the said last-mentioned duties are imposed in the words following; (that is to say,) '9d. per foot of cubic contents, and further for every 100*l.* value 10*l.*; from and after the 10th day of October, 1842, 7*½*d. per foot of cubic contents, and every 100*l.* value 10*l.*:' and that doubts have arisen as to the time when the said duty of 7*½*d. per foot of cubic contents, and further for every 100*l.* value 10*l.*, is to commence, and it is therefore expedient and expedient to explain the meaning of the said act in that respect; enacts, 'That the said duty of 7*½*d. per foot of cubic contents, and further for every 100*l.* value 10*l.*, shall commence and be payable to her majesty, her heirs and successors, from and after the 10th day of October, 1843, and not from and after the 10th day of October, 1842; and that the said duty of 9d. per foot of cubic contents, and further for every 100*l.* value 10*l.*, shall be payable to her majesty, her heirs and successors, from and after the 10th day of October, 1842, only to the 10th day of October, 1843.' (See vol. ii., p. 581, title "Customs and Excise.")

The duty of 7½d.
per cubic foot and
10 per cent. ad
valorem duties
upon wood,
planed, &c. to
commence from
10th Oct. 1848.
The duty of 9d.
per cubic foot,
&c. to be payable
from 10th Oct.
1842 to 10th Oct.

5 & 6 Vict. c. 47.

**Removal of
doubts as to pro-
portions between
copper and ore
indicated by table.**

**Manufactures of
Guernsey, &c.
from materials
not of foreign
origin, not to be
deemed foreign
productions.**

Sect. 2, reciting, That "whereas by the said act, and by clas-
table thereto annexed, certain duties are respectively imposed
copper of respective qualities therein specified, and which in th-
are described in the phrases hereinafter set forth; (that is to
copper containing not more than fifteen parts of copper, ore of
taining not more than twenty parts of copper, and ore of cop-
ing more than twenty parts of copper: and that doubts are
as to the proportions between the copper and the ore which a-
to be designated by the phrases above set forth, and it is expe-
clare and explain the meaning of the said act and table in th-
enacts, 'That the said act and table shall be construed, all
duties on ore of copper of the several qualities so described a-
shall be chargeable and leviable, as if the words following, (na-
the hundred parts of ore," were inserted immediately after
"parts of copper," in each of the several phrases hereinbefore
(See vol. ii., p. 581, title "Copper.")

Sect. 3, reciting, That "whereas by the said act certain m
of the islands of Guernsey, Jersey, Alderney, Sark, or Man,
purposes of duty, to be deemed and taken to be the produce
ported from a foreign country; enact, 'That the said last-menti
sion shall not be taken to extend to any manufactures of the said
materials whereof are not of foreign origin or produce, but of the
produce of the said islands, although such materials may be laid
upon the importation thereof into the United Kingdom.' " (See vols.

ity-free, anything in the said act contained in anywise notwithstanding,

siting, "That whereas by the said act to amend the laws respecting customs, the sale, exchange, and exposition to sale of gold plate, not being battered, which should be imported after the said act, and not being of the standards respectively required and silver wares in England, and not having been assayed,

marked as therein is mentioned, are prohibited, with such forfeitures as therein are declared or referred to: and that that such plate as hereinafter is described should be excepted from the operation of the said prohibition; enacts 'That from the passing of this act it shall be lawful to sell, exchange, or expose any gold or silver plate which since the passing of the said act have been or henceforth shall be imported from foreign parts, or silver plate being of foreign manufacture, and of an ornament, and having been made or wrought previously to the year 1800, notwithstanding such gold or silver plate shall not be of such aforesaid, and shall not be assayed, stamped, or marked as in the last-mentioned act is required, any thing in the said last-act in anywise notwithstanding: provided always, that in any suit, or other proceeding against any party for any forfeiture for selling, exchanging, or exposing to sale any gold or silver plate being of foreign manufacture, and of an ornament, and having been made or wrought previously to the year 1800, or the same was manufactured previous to the year 1800, or

Ornamental plate
made prior to the
year 1800 may be
sold without
being assayed.

In case of action,
the proof that the
plate was made
before 1800, or
was imported be-
fore passing of
5 & 6 Vict. c. 47.
to lie on defen-
dant.

*Excise and Customs.***5 & 6 Vict. c. 56.**

Duty on cement stone repealed.

& 7 Vict. c. 84.

Commencement of 6 & 7 Vict. c. 84

Management.

Commissioners may examine witnesses upon oath. 3 & 4 Will. IV. c. 51.

Regulation.

Goods entered to be landed or examined by bill of sight; a deposit to be made equal to duties.

When no part of goods in a package shall be delivered without perfect entry of whole.

Importer or agent

that the same was imported previous to the passing of the mentioned act, shall lie on such party."

Sect. 7, reciting, "That whereas by the said act a duty of dred weight is imposed upon cement stone, the produce of the United Kingdom, exported from the United Kingdom countries, and it is expedient to repeal the same; enacts and after the passing of this act the said duty on cement be repealed." (See vol. ii., p. 598.)

The 6 & 7 Vict. c. 84, intituled "An Act to amend the to the Customs," [22d August, 1843,] after reciting "That severally passed in the third and fourth years of the reign of his late William the Fourth for consolidating the laws of the customs, it has been found necessary from time to time to make certain alterations and amendments therein: and that certain further alterations and amendments required; enacts 'That from and after the passing of this act shall come into and be and continue in full force and operation for the purposes mentioned therein, except where any other command hereinafter particularly directed.'"

Sect. 2, reciting, "That whereas by one of the said acts, intituled 'An Act for the Management of the Customs,' powers are given to the general of customs, and the inspector-general of customs, on oath: and that it is expedient that the commissioners of customs have the like power of examining on oath; enacts, 'That all examinations and inquiries made by the said commissioners of customs, or any one or more of them, for ascertaining the conduct relative to the customs, or the conduct of officers or persons therein, any person examined before the said commissioner shall deliver his testimony on oath, to be administered by any commissioner or commissioner as shall examine him, and hereby authorized to administer such oath; and if such person be convicted of making a false oath touching any of the facts in his oath, or of giving false evidence on his examination on oath by any commissioners or commissioner, every such person or persons as aforesaid shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful perjury.'" (See vol. ii., p. 487.)

Sect. 3, reciting, "That whereas by one other of the said acts, 'An Act for the Regulation of the Customs,' it is lawful for the master and comptroller of the customs, upon the importation of foreign parts, for which a perfect entry cannot be made by entry by bill of sight, and also to receive a deposit of a sum upon such entry on account of the duties which may be payable on the goods intended to be landed by virtue of such bill of sight; it is expedient that a deposit of a sum of money should be made in all cases where entries by bill of sight are granted; and that after the entry of the goods so entered an endorsement should be made on the bill of sight, by the importer or his agent, of the full particulars; enacts 'That in all cases where an entry shall be made for the importation of goods by bill of sight the importer or his agent before the same be granted, deposit with the proper officer a sum of money sufficient in amount to cover the duties on the goods intended to be landed or examined by such bill of sight; and make and subscribe a declaration that he has not any reason to believe that the duties on the goods will amount to more than the sum deposited.' (See vol. ii., p. 500, & p. 503.)

Sect. 4 enacts, "That if the sum deposited on a bill of sight not be equal in amount to the duties payable upon all the goods contained in any single package landed or examined thereby, no part thereof until a perfect entry or entries is or are made for the goods contained in such package." [Id.]

Sect. 5 enacts, "That before any goods in respect of

Excise and Customs.

6 & 7 Vict. c. 84.

Colonial fishing vessels may import blubber, oil, &c. into United Kingdom direct from fisheries.

Smuggling.

Persons in her majesty's naval service liable to detention under revenue laws to be placed in security on board ships of war until a justice's warrant procured.

Foreigners discovered on board any vessel containing smuggled goods to be punished.

Duties.

Duty on garancine altered.

the United Kingdom to parts beyond the seas, upon which the duties on the importation thereof is allowed, is required in double the value of the goods in manner therein mentioned it is expedient to make certain alterations in the said act; from and after the passing of this act no bond shall be required wine entered outwards for the purpose of obtaining a drawback of duties paid or payable upon the importation thereof.' " (See n. (b).)

Sect. 10, reciting, "That whereas it is expedient to permit ships to come direct from the fishery to the United Kingdom with their cargoes, in like manner as vessels clearing out from thence," enacts, "That any blubber, train oil, spermaceti oil, or whale fins imported into the United Kingdom direct from colonial vessels, and which shall have cleared out for such any of the British possessions abroad, shall be admitted to the United Kingdom upon the payment of the same duty and importation as such articles are now admitted to entry when imported from vessels which shall have cleared out from thence." " (See n. (c); p. 512.)

Sect. 11 enacts, "That where any person or persons, being crew of any ship or vessel in her majesty's employment or liable to detention by an officer or officers of the customs, are detained under any law or laws relating to the revenue of any person or persons, upon notice thereof given by such officer or officers of customs to the captain or commanding officer of the ship or vessel, he may be placed in security by such captain or commanding officer of such ship or vessel, until the officer or officers of customs have obtained a warrant from a justice of the peace for bringing the said offenders before him, or any two or more justices of the peace shall deal with according to law; which said warrant such justice is hereby authorized and required to grant upon complaint made by such officer or officers of customs, stating the offence for which any person or persons is or are liable to detention as aforesaid." (See p. 549, n. (c).)

Sect. 12 enacts, "That every person, not being a subject of her majesty who shall be found or discovered to have been on board any boat liable to forfeiture under any act relating to the customs, or found or discovered to have been within any of the ports, havens, or creeks in the United Kingdom, or in the Isle of Man, having or in any manner attached thereto, or conveying or having in any manner, such goods or things as subject such vessel or vessel to forfeiture, shall be liable to be detained and proceeded against as a criminal person, being subjects of her majesty, being so found as herein mentioned, may be detained, proceeded against, and punished, provided always, that no person whosoever shall be liable to be punished for any such offence as is herein lastly before mentioned unless there be reasonable ground to believe that such person was the owner of the goods, or was concerned in bringing the same into such places as are hereinbefore mentioned, or in concealing the same."

Sect. 13, reciting, "That whereas it is expedient that garancine be charged with a rated duty upon importation into the United Kingdom instead of the *ad valorem* duty to which it is liable under the present law; enacts, "That instead of the duties now chargeable on garancine imported into the United Kingdom under or by virtue of an act passed in the last session of parliament for amending the laws relating to the customs, and the tables of duties thereto annexed, to be raised, levied, collected, and paid unto her majesty, upon goods imported into the United Kingdom from foreign parts, the sum of five shillings on every hundred weight thereof, and an additional duty of five shillings on such duty, in like manner as if such duties had been im-

reciting, That whereas by an act passed in the session of parliament in the third and fourth years of his late majesty king William, intituled "An Act for the general Regulation of the Customs by the table therein contained, denominated, "A Table of Duties and Restrictions Outwards," the tools, utensils, machinery, described in the said table, and in the schedule hereto annexed, amongst other things, absolutely prohibited to be exported from the United Kingdom: and that it is expedient that the said act of the exportation of the said tools, utensils, machinery, and articles be repealed; enacts, "That so much of the said act and schedule as prohibits the exportation from the United Kingdom of the tools, utensils, machinery and articles described in the schedule hereunto annexed and the same is hereby repealed." (See vol. ii., p. 526.)

Regulation
So much of 3 & 4
Will. IV. c. 53, as
prohibits exports
of machinery in
schedule repealed.

SCHEDULE to 6 & 7 Vict. c. 84.

REMAINS; viz.:—Any machine, engine, tool, press, paper, utensil, or article used in or proper for the preparing, working, pressing, or drawing out of the woollen, cotton, linen, or silk manufactures of this kingdom, or goods wherein wool, cotton, linen, or silk is used, or any part of such goods, engines, tools, presses, paper, utensils, or instruments, or any part thereof, or any part thereof, except wool cards or stock cards above 4s. per pair, and spinners cards not worth above 1s. 6d. per dozen, in the woollen manufactures.

— Blocks, plates, engines, tools, or utensils, commonly used for the preparing, working up, or finishing of the calico, cotton, linen printing manufactures, or any part of such blocks, plates, tools, or utensils.

— Rollers, either plain, grooved, or of any other form or description, of cast iron, wrought iron, or steel, for the rolling of iron or any metal, and frames, beds, pillars, screws, pinions, and each and every part of such tool, or utensil thereunto belonging; rollers, slitters, frames, tools, and screws for slitting mills; presses of all sorts in iron and brass metals, which are used with a screw exceeding one inch and a half diameter, or any parts of these several articles, or any model of the aforesaid utensils, or any part thereof; all sorts of utensils, engines,

Excise and Customs.

6 & 7 Vict. c. 84.

the rough state or finished for use ; wire moulds for making pipes of metal, stone, or wood, for cutting, roughing, smoothing, polishing, graving glass ; purcellas, pincers, shears, and pipes used in blue potters wheels and lathes for plain, round, and engine turning ; tools for saddlers, harness makers, and bridle makers ; viz., candle-strain strainers, point-strainers, creasing irons, screw-creasers, wheel-irons, pricking-irons, bolstering-irons, clams, and head knives.

Frames for making wearing apparel.

7 Vict. c. 16.

Commencement of 7 Vict. c. 16.

Regulation.

Ship not to be cleared until coal owner or agent has delivered to collector two fitters' certificates, one of which to be retained and the other delivered to master for production at port of delivery.

Tobacco stalks to be deemed to-bacco.

Smuggling.

Persons on board foreign mail packets having contraband goods on board, liable to detention, and to a penalty of 100*l.*

The 7 Vict. c. 16, intituled "An Act to amend the Laws relating to Customs," [6th June, 1844,] reciting, "That whereas several acts passed in the third and fourth years of the reign of his late Majesty William the Fourth, for consolidating the laws of the customs : has been found necessary from time to time by certain other acts certain alterations therein : and that certain further alteration required ;" enacts, "That from and after the passing of this act shall come into and be and continue in full force and operation for the purposes mentioned therein, except where any other command hereinafter particularly directed."

Sect. 2 enacts, "That no ship shall be cleared from any port in the United Kingdom, either for a coasting or a foreign voyage, laden with coals or culm or cinders, which had not been previously brought into such port, until the fitter, or the coal owner, or his agent or shipping the same, shall have delivered to the collector or to two certificates under his hand, expressing the total quantities of culm, and cinders respectively shipped or intended to be shipped in such ship ; and the collector or controller shall retain one certificate, and shall deliver the other, signed by him, to the master of the ship ; and every fitter, coal owner or agent, who shall refuse such certificates, or shall give a false certificate, shall forfeit a sum of 100*l.*; and the master of such ship shall keep such certificate produced the same to any officer of customs demanding such certificate, and shall, before bulk be broken, deliver such certificate to the collector or controller of any port in the United Kingdom to which the culm, or cinders shall be carried in such ship." (See vol. ii., p. 511.)

Sect. 3, reciting, That whereas doubts have arisen whether tobacco stalks are to be deemed and taken to be tobacco, within the meaning of the aforesaid acts ; enacts and declares, "That tobacco stalks shall be and taken to be tobacco, within the meaning of the said acts of them, and shall be described as tobacco in any information given or penalty or forfeiture incurred or to be incurred under the said one of them : Provided always, that nothing herein contained shall affect any part of any act whereby the importation of tobacco is prohibited." (See vol. ii., p. 512.)

Sect. 4 enacts, "That every person who shall be found or discovered to have been on board any foreign post-office packet, being a native of the United Kingdom, employed in conveying the mails between any foreign country and the United Kingdom, such packet being found or discovered to be within any port, harbour, river, or creek in the United Kingdom, being driven thereinto by stress of weather or other unavoidable accident, having on board or in any manner attached thereto, or having on board or in any manner attached thereto, or conveyed or transported in any manner, any spirits, not being in a cask or package containing twenty gallons at the least, or any tea exceeding a weight in the whole, or any tobacco or snuff, not being in a cask or package, containing three hundred pounds weight at least, shall forfeit a sum of 100*l.*; and it shall be lawful for any officer or officers of the army, navy, or marines, being duly employed for the purpose of preventing smuggling, and on full pay, or for any officer or officers of

each person shall before have been convicted of any such ^{be ready to pay for} writ shall issue and such person shall be held to bail ^{full amount of} penalty. ^{amount of the penalty sought to be recovered against}

iting, That whereas by an act passed in the session of 1d in the fifth and sixth years of the reign of her majesty ^{Duties.} a, intituled "An Act to amend the Laws relating to the ^{Alteration of cer-} id by table (A.) annexed to the said act, certain duties are ^{tain duties im-} imposed by & 6 ^{posed by & 6} Vict. c. 47. ^{in the articles mentioned in the table hereunto annexed : and} dient to make certain alterations in respect thereof ; enacts, ^{articles mentioned in the table hereunto annexed the several} th in figures in the said table shall, in respect of such arti- ^{mation therein, be raised, levied, collected, and paid unto} her heirs and successors, in like manner as if such duties ^{posed in and by the said last-mentioned act, and had been} is said table thereunto annexed." (See vol. ii., p. 576.

cts, "That there shall be charged, raised, levied, collected, ^{Additional duty} her majesty, her heirs and successors, in addition to the ^{of five per cent.} med in the said table hereunto annexed, upon the several ^{upon amount of} erated therein, a further duty of five per centum upon the ^{duties on articles} several duties in and by the said table respectively charged ^{in the table.} articles, and each of them, except with regard to cordials which shall be subject, in lieu of the further duty of five per e further duty of 4d. per gallon."

acts, "That to prevent vinegar or acetous acid of exce- ^{Vinegar or acetous}

Excise and Customs.

7 Vict. c. 16.

acid to be charged with duty according to strength.

Repeal of duty on olive oil flasks.

Repeal of duties on Alpaca and Llama wool, and on certain articles when partly wrought up.

Repeal of 5 & 6 Will. IV. c. 66, s. 2, respecting the entry of coffee the produce of British possessions in East Indies.

sive strength being brought into consumption upon payment of common vinegar or acetous acid, to the great injury of her revenue, all such liquors as aforesaid subject and liable to be imposed by this act shall and may be tried and examined by any officers of customs with such acetometer as shall and may be from time directed by the commissioners of customs, in order to ascertain the strength thereof; and that whenever any such liquors shall be found by any officer or officers of customs to be proof, as denoted by such acetometer, (proof being such acetous acid that one hundred parts of the liquor by weight will neutralize fourteen and a half parts by weight of crystallized carbonate of soda,) the number of gallons of such liquors as trial is made shall be deemed and computed by such officer or officers to be such number as could be made from or with such liquors by water to the strength of proof denoted as aforesaid, at chargeable and taken account of and charged by such officer accordingly."

Sect. 11 enacts, "That the duty now chargeable upon flasks containing olive oil is imported be repealed."

Sect. 12 enacts, "That the duties now chargeable upon the entry of sheep and lambs wool, and upon wool of the Alpaca and Llama tribe, and upon goats wool or hair, and upon the entry of wools and skins, and of manufactures or pretended manufactures slightly wrought up, so as that the same may be reduced to the use of as wool again, and upon mattresses or beds stuffed with wool, or wool fit for combing or carding,' be repealed." (S. 589, title "Wool.")

Sect. 13, reciting, 'That whereas by an act passed in the parliament held in the fifth and sixth years of the reign of the most excellent king William the Fourth, intituled "An Act to amend the law relating to the Customs," it is enacted that no coffee shall be imported into the United Kingdom which is not being the produce of any British possession within the limits of the East India Company's charter unless the master of the ship in which the same shall have been imported shall have delivered to the collector or controller under the hand and seal of the proper officer at the place where the coffee was taken on board, testifying that a declaration has been made and signed before him (the contents of which he has examined, and believed to be true,) by the shipper of such coffee that the same was really and *bond fide* the produce of some such British possession, nor unless such master shall also make and subscribe a certificate before the collector or controller that such certificate was signed by him at the place where such coffee was taken on board, and that the coffee so imported is the same as is mentioned therein: and that it is enacted that the same enactment should be repealed; enacts, "That of the said act lastly hereinbefore recited as is hereinbefore enacted shall be and the same is hereby repealed."

TABLE OF NEW DUTIES, 1844, under the 7 Vict.

Alganobilla seed, the cwt.	.	.	.	.	.
Lard oil, for every 100 <i>l.</i> value	.	.	.	.	.
Myrobalane berries, the ton	.	.	.	.	.
Vegetable wax, the cwt.	.	.	.	.	.
Colchicum seed, the cwt.	.	.	.	.	.
Kernels of walnuts and kernels of peach stones, commonly used for expressing oil therefrom, the ton	.	.	.	.	.

		L.	s.	d.	Excise and Customs.
rum, the lb.	.	0	0	1	
l., the ton	.	0	0	2	
a ton	.	0	1	0	7 Vict. c. 16.
the ton .	.	0	5	0	
rum foreign countries, the lb.	.	0	5	0	
rum foreign countries, the lb. .	.	0	0	2	
cwt.	.	0	0	6	
the lb. .	.	0	15	0	
gums, except rum shrub, being the produce of any nation in America, or of any British possession within the limits of the East India Company's charter, in regard to conditions of the act 4 Vict. c. 8. have or shall be milled, sweetened or mixed with any article so that the strength thereof cannot be ascertained by Sykes's , the gallon .	.	0	0	6	
is not otherwise enumerated or described, the cwt.	.	0	9	0	
ther, on account of the excise duty, the cwt. .	.	1	0	0	
glass, for every 100 <i>l.</i> value .	.	0	7	0	
ther, on account of the excise duty, the cwt. .	.	30	0	0	
tires, not otherwise enumerated or described, and less fit only to be re-manufactured, the cwt. .	.	0	7	0	
ther, on account of the excise duty, the cwt. .	.	1	0	0	
ed in sugar, the lb. .	.	0	7	0	
un .	.	0	0	6	
	.	4	4	0	

8 Vict. c. 25, intituled "An Act to repeal the Duty of Ex- 7 & 8 Vict. c. 25.
ar, and to make the Duties and Drawbacks now payable on
is same as on Bottle Glass," [4th July, 1844,] reciting that,

IV. c. 37, certain duties of excise were granted and made
vinegar or acetous acid, or liquors prepared or prepar-
ing or acetous acid brewed or made in any part of the
on of Great Britain and Ireland for sale: and that by the 1 & 2
rtain duties of excise were granted on the fluxed materials
her preparations made for the purpose of making flint glass,
awbacks were allowed on flint glass for and in respect of
st-mentioned duties had been duly charged, and which
orted to foreign parts: and that it is expedient that the said
inegar or acetous acid or liquors prepared or preparing for
etous acid, should cease and determine, and that the said
awbacks on flint glass should be repealed, and other duties
is in respect thereof should be granted and allowed in
it is therefore enacted, "That from and after the passing
and singular the duties of excise now payable on vinegar or
or liquors prepared or preparing for vinegar or acetous acid,
de in any part of Great Britain or Ireland, shall cease and
d be no longer levied or collected, paid or payable; and the
nactments, clauses, provisions, and regulations for securing,
llecting the duties on vinegar or acetous acid, or liquors
preparing for vinegar or acetous acid, shall not, from and
ing of this act, be enforced or executed, save and except for
f recovering any duties incurred or charged before the pass-
t, or any arrears thereof, or any fine, penalty, or forfeiture
l of any of the said clauses, enactments, provisions, or regu-
tted previous to the passing of this act, but all such duties
nes, penalties, and forfeitures, shall and may be recovered,
ed, and applied in the same manner and by the same powers
as if this act had not been passed: Provided always, that
ay be lawful for the commissioners of her majesty's treasury
remit so much of the aforesaid duties which shall have been
y maker of vinegar or acetous acid, not being pyroligneous
between the 5th day of July, 1843, and the day of the pass-

After passing of
this act the duties
and regulations
for securing the
duty on vinegar
to cease, save as
to any arrear of
duty or penalty.

Commissioners
of treasury may
remit certain of
the duties on
vinegar, &c.
before the passing
of this act.

*Excise and
Customs.*

7 & 8 Vict. c. 25.

Vinegar makers
to take out
licences as here-
tofore.Vinegar makers to
make entry of
their premises
and utensils with
the excise.7 & 8 Geo. IV.
c. 53.4 & 5 Will. IV.
c. 51.

4 & 5 Vict. c. 20.

Vinegar makers
having stills to
use them only
subject to such
rules as the com-
missioners of
excise direct.From 5th July,
1844, the present
duties and draw-
backs on flint
glass to cease;other duties and
drawbacks
granted and
allowed in lieu
thereof.

ing of this act, as shall not exceed the sum to which such amount if the same had been charged and made payable on such vinegar or acetous acid in the hands of the maker thereby by the proper officer of excise, on the 1st day of June, 1844."

Sect. 2 provides and enacts, "That nothing herein contain tend or be deemed or construed to extend in any manner to the licences now required by law to be taken out by makers acetous acid for sale ; and every person who shall make, pre distil, rectify, purify, or sell any liquors prepared or capable or applied to the purposes of vinegar or acetous acid made being a dealer in, retailer, or seller of such vinegar or acet shall be deemed and taken to be a vinegar maker, and shall licence now required by law in such respect, under the same lations, provisions, penalties, and forfeitures as such licen granted and held under."

Sect. 3 provides and enacts, "That every such maker of vi tous acid for sale as aforesaid shall make entry by deliverin particular account in writing of every house, building, root vessel, and utensil intended to be used by him for the makin of any vinegar or acetous acid for sale, in such form and rected by an act passed in the seventh and eighth years of his late majesty king George the Fourth, intituled 'An Act and amend the Laws relating to the Collection and Manag Revenue of Excise throughout Great Britain and Ireland,' a act passed in the fourth and fifth years of the reign of hi king William the Fourth, intituled 'An Act to amend the to the Collection and Management of the Revenue of Es another act passed in the fourth year of the reign of her pr intituled 'An Act to alter and amend certain Laws relat lection and Management of the Duties of Excise,' and shall i be subject to all and singular the rules, regulations, penalti utes by the said last-mentioned acts imposed on persons req entry, and not making entry, of any house, building, or pl utensil, required by any act or acts relating to the revenue .

Sect. 4 provides and enacts, "That every such maker of vi tous acid for sale as aforesaid who shall have, possess, or his or her entered place or places for making vinegar, any a ling, rectifying, or purifying vinegar or acetous acid, or any terials prepared or preparing for making vinegar or aceto have and use such still only under and subject to such rul tions as the commissioners of excise shall from time to ti order in such respect, on pain of forfeiting 100l."

Sect. 5. "That from and after the 5th day of July, 1844, drawbacks now payable on flint glass shall cease and dete no longer paid or payable, save and except as to any arrear which shall have been charged or become due, or any penal which shall have been incurred by the commission of a respect thereof under the laws of excise, or the payment of which shall become payable in respect of any flint glass ex the said 5th day of July, 1844 ; and that in lieu of the said shall be raised, levied, collected, and paid throughout the Uni the rates and duties of excise hereinafter mentioned ; (that every one hundred pounds weight avoirdupois, and so in p any greater or less quantity of the fluxed materials or m preparations whatever, by what name soever the same may known, which shall be made for the purpose of making a sum of 2s. 6d. and five per centum additional thereon ; and the said drawbacks there shall be allowed and paid the fol back ; (that is to say,) for every one hundred pounds weight and so in proportion for any greater or less quantity, of flint in respect of which, or of the materials, metal, or other prep

such maker of flint glass shall have paid or may have been upon the fluxed materials, or metal, or other preparations such glass as aforesaid shall have been made: and whereas in amendment and alteration of the duties on flint glass by this act it is enacted, "That on the said 5th day of July, 1844, every maker of flint glass shall pay the duty of three farthings and five per centum, instead of 2d. per pound and five per centum thereon in an act passed in the third year of the reign of her said said 'An Act for granting to Her Majesty Duties of Customs, 3 & 4 Vict. c. 17. Succession Taxes,' upon each and every pound weight of such the said act of the first and second years of her said majesty."

And whereas by the said act of the first and second years of her said majesty it is further enacted, that no drawback be allowed on chandelier or ornamental drops of less than one ounce each, nor on any glass buttons or glass beads, nor on any goods or wares which shall not be good, fair, and merchantable, perfectly manufactured of metal, fully and properly dressed and finished, by all rough, waste, and useless parts being stricken off, and of such quality as to be worth at least 5d. per lb. of the duty, if made for or if the same had been made for home consumption, and which shall not have been previously imported, That from and after the said 5th day of

The regulation of
1 & 2 Vict. c. 44,
that no drawback
be allowed on
glass not worth
5d. per pound,
exclusive of the
duty, repealed as
to flint glass.

Excise and
Customs.

7 & 8 Vict. c. 25.

The enactment of
1 & 2 Vict. c. 44,
that shades or
cylinders of un-
coloured flint
glass shall not be
opened or flat-
tened out except
as thereby
allowed,
repealed.

Flint glass maker
not to open or
flatten out any
shade or cylinder,
nor to cast or
press any flint
glass into panes
or plates of the
dimensions of six
inches by four.

Nothing herein to
affect the provi-
sion 1 & 2 Vict.
c. 44. s. 92.

Makers of flint
glass enabled to
make and store
glass not to be
sold or consumed
before the time
appointed for the
duty now payable
to cease.

obtaining a drawback, that any flint glass goods or wares of quality as to be worth at least 5d. per pound, exclusive of be repealed."

Sect. 9. "And whereas by the said act of the first and : the reign of her said majesty it is further enacted, that lawful for any maker of flint glass, or any other person, to out any shade or cylinder made of white or uncoloured flit as hereinafter provided, on pain of forfeiting all flint gl or flattened out, and 100l.: Provided always, that makers may open out and flatten cylinders of white or uncolor plates, such plates, when opened and flattened out, not thickness than two tenth parts of an inch, nor of grea than fourteen inches square; be it enacted, That from an 5th day of July, 1844, so much of the said act as is above : repealed."

Sect. 10. "That from and after the said 5th day of July not be lawful for any maker of flint glass, or any other per flatten out any shade or cylinder, whether made of coloured flint glass, or to cast or press or otherwise manufacture any panes or plates which shall be of the dimensions of six ii by four inches in breadth, or which shall exceed such dime length or in breadth, on pain of forfeiting all such flint penalty of 100l. for every such offence: Provided always herein contained shall be deemed or construed to prevent flint glass or other person from manufacturing flint glass into prisms for deck lights, or illuminators for lanterns, o for doors, as such articles are commonly now so called and by makers of flint glass, provided the same are not manu opening or flattening of any shade or cylinder of such gla

Sect. 11 provides and enacts, "That nothing herein con deemed or construed to affect a certain provision contained in the first and second years of her said majesty, whereby it is shall be lawful for the lords commissioners of her maj from time to time to dispense with or alter the whole or a said regulations, or to remit the whole or any part of th prescribe such other conditions and securities as they may sary or expedient, for the improvement or better preparati of glass fitted for the purposes of optical instruments or of science."

Sect. 12. "And whereas it is expedient that provision sh for allowing the makers of flint glass to make and store ; sold or sent into consumption until after the said 5th day when the duty now payable on flint glass is to cease and the new duty hereby imposed is to commence and take effe fore enacted, That every maker of flint glass who shall inter flint glass wares or commodities, not to be sold or sent into before the 6th day of July, 1844, shall give three hours pre such his intention in writing to the proper officer of excise, any such glass, and in such notice shall specify some separ room or store, to be approved of by the commissioners of excis, for the keeping therein of all such flint glass wares and c are intended to be so stored; and such maker of flint gl time to time, when giving notice for charging the pots in hi also give like notice in writing to the proper officer of exci flint glass to be made in that journey is flint glass not to b into consumption until after the 5th day of July, 1844, and sirous of storing the same, and all such glass shall be m regulations and shall be charged with the duties now in often as any notice for weighing such glass shall be given excise, having received such notice, shall attend and weight account of all such glass in the weighing room, and such a

commissioners of excise or their officers, or if any such maker of flint glass shall open or procure to be opened any such room or store, or any of the locks, keys, or fastenings thereof, or remove or cause to be removed any flint glass from or out of the same, or shall sell or deliver any such flint glass so made to be stored, except such notice as is hereinbefore provided, or if on the said 6th day of July, 1844, or at any time previous thereto, the officers of excise shall find all such flint glass so stored and secured and unaltered, except as aforesaid, or if any such maker of flint glass shall use or practise any device to deceive any officer of excise in taking an account of such glass, or of any part of his stock, or to remove any part of such flint glass or to evade any part of the duty on flint glass with which previous to the said 6th day of July, 1844, he might or would be chargeable, or to claim any greater allowance under the regulations aforesaid than he is entitled to, then and in every such case the flint glass maker so doing shall forfeit all claim to any such allowance as aforesaid, and pay all the full duties now charged on such glass, together with any costs or penalties or forfeitures which he may thereby incur under any laws of excise."

7 & 8 Vict. c. 28 (a), intituled "An Act for granting to Her Majesty, 7 & 8 Vict. c. 28. the Fifth Day of July One thousand eight hundred and forty-five, cer-

(a) See Vol. II., p. 572.

Excise and
Customs.

7 & 8 Vict. c. 28.

Duties Imposed
by 6 & 7 Will. IV.
c. 26, and 3 & 4
Vict. c. 17, con-
tinued till 10th
November, 1844.

Duties from 10th
November, 1844
to 5th July, 1845.

tain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-four," [4th July, 1844] reciting, "most gracious sovereign, we, your majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland in parliament assembled, towards raising the necessary sum to defray your majesty's public expences, have freely and voluntarily resolved to give and grant unto your majesty the duties hereinafter mentioned, and therefore do most humbly beseech your majesty that it be enacted; and be it enacted by the queen's most excellent majesty, and with the advice and consent of the lords spiritual and temporal, commons, in this present parliament assembled, and by the authority of the same, That the duties imposed on sugar and molasses by an act passed in the session of parliament holden in the sixth and seventh years of the reign of his late majesty king William the Fourth, intituled 'An Act for granting to His Majesty, until the Fifth Day of July in thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year, One thousand eight hundred and thirty-six; and by an act passed in the session of parliament holden in the third and fourth years of the reign of the present majesty, intituled 'An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes,' shall be further continued until the 10th day of November, 1844; and that from and after that date until the 5th day of July, 1845, in lieu of the duties now payable hereby continued thereon, there shall be charged the duties of the following; that is to say,

Sugar; <i>videlicet</i> ,	£
Brown or Muscovado or clayed sugar, not being refined, the cwt.	3
The growth of any British possession in America, and imported from thence, the cwt.	1
The growth of any British possession within the limits of the East India Company's charter, into which the importation of foreign sugar is prohibited, and imported from thence, the cwt.	1
The growth of any other British possession within those limits, and imported from thence, the cwt.	1
And on sugar which shall be certified as hereinafter is mentioned to be the growth of China, Java, or Manilla, or of any other foreign country, the sugar of which her majesty in council shall have declared in manner hereinafter mentioned to be admissible as not being the produce of slave labour, and which shall be imported into the United Kingdom either from the country of its growth or from some British possession, having first been imported into such British possession from the country of its growth, the following duties, namely,	
Brown, Muscovado, or clayed, the cwt.	1
Molasses, the cwt.	1
The produce of and imported from any British possession, the cwt.	0
Sugar, refined, the cwt.	8
Candy, brown, the cwt.	5
—— white, the cwt.	8

and so in proportion for any greater or less quantity than a hundred weight, together with an additional duty of five per centum on aforesaid rates of duty."

Sect. 2 enacts, "That the duties hereby continued shall be called paid, and accounted for in such and the like manner as if the said had been continued to the 5th day of July, 1845, and that the sum of 1*l.* 14*s.* per hundred weight, with five per centum additional as said, shall be collected, paid, and accounted for in such and the like manner as the said duties hereby continued."

Sect. 3 enacts, "That from and after the 10th day of November 1844, it shall and may be lawful for her majesty and she is hereby

Collection of
duties.

Power to her
majesty by order

on time to time, by any order or orders in council, to declare, to any foreign country or countries, that it having appeared ty, upon sufficient evidence, that the sugars of such country are not the produce of slave labour, such sugars shall (from day to be named in such order) be deemed and taken not to luce of slave labour; and from and after the day so to be ch order the brown, Muscovado, or clayed sugar (not being he country or countries mentioned in such order shall be) entry for home consumption at the said duty of 1*l.* 14*s.* per ght, with five per centum additional as aforesaid."

Excise and Customs.

7 & 8 Vict. c. 28.
in council to de-
clare sugars of
other countries to
be admissible as
not being the
produce of slave
labour.

acts, "That no sugar shall be admissible to entry for home at the said duty of 1*l.* 14*s.* per hundred weight, with five additional as aforesaid, unless the master of the ship import- shall have delivered to the collector or comptroller at the portation such certificate or certificates as hereinafter men- unless such master shall also make and subscribe a declara- such collector or comptroller that such certificate or certifi- were received by him at the place where such sugar was rd, and that the sugar so imported is the same as is men- n."

Certificates and declarations required.

acts, "That in case such sugar shall be imported from or Manilla, or from any other of the countries named in such cil as hereinbefore is mentioned, the certificate so to be given or or comptroller at the port of importation shall be under d seal of the British consul, vice consul, consular agent, or appointed in that behalf by her majesty, at the place where was taken on board, and shall certify that a declaration in been made and signed before such consul, vice consul, con- or other officer, by the shipper of such sugar, that the illy and *bona fide* the growth of the country in which the taken on board, and shall also certify that such consul, vice lar agent, or other officer had examined the contents of such and believed the same to be true."

*Certificate re-
quired in respect
of sugar from
China, &c.*

acts, "That in case such sugar shall be imported from any sion abroad, the master of the vessel importing the same to the collector or comptroller at the port of importation ; ificate under the hand and seal of the principal officer of ie place where the same was taken on board, certifying that in writing had been made and signed before such principal shipper of such sugar that the same was really and *bona fide* f China, Java, or Manilla, or of some other of the countries h order in council as hereinbefore is mentioned, and had ed thence into such British possession abroad as aforesaid, ifying that such principal officer of customs had examined of such declaration, and believed the same to be true; ifificate under the hand and seal of the British consul, consular agent, or other officer appointed in that behalf by if any such there be), at the place whence such sugar shall ported into such British possession abroad, certifying that in writing had been made and signed before such consul, consular agent, or other officer, by the shipper of such sugar ice, that the same was really and *bona fide* the produce of from whence the same shall have been so imported into possession abroad, and also certifying that such consul, vice lar agent, or other officer had examined the contents of ion, and believed the same to be true: Provided always, uch sugar shall be imported into the United Kingdom from osession abroad, being part of the territories of the East ny, the certificate and declaration hereby required to be eived by the principal officer of customs may be respectively

*Certificate re-
quired in respect
of such sugar if
imported from
British posses-
sions abroad.*

Excise and Customs.

7 & 8 Vict. c. 28.

Power to her majesty by order in council to declare that sugars of countries with which her majesty has treaties of reciprocity as to duties to be admissible at 3*s.* per cwt. and 5 per cent. additional.

If such treaty be conditional, order in council to state fulfilment of condition.

Bounties on certain descriptions of refined sugar.

Her majesty may allow importation of sugar the growth of certain British possessions at lower rate of duty.

Order in council may be revoked.

Order in council to be published.

given and received by any officer appointed for that purpose by the respective governments of such territories."

Sect. 7 enacts, "That with regard to sugar the growth of country, between which country and her majesty there is no any treaty or convention binding her majesty to grant to or either conditionally or unconditionally, the privileges of the nation, or to permit, either conditionally or unconditionally, of such country to be imported into the United Kingdom : duties as are imposed upon the like produce of any other shall be lawful for her majesty and she is hereby empowered to time, by any order or orders in council, to declare that from a day to be named in such order, not earlier than the November, 1844, brown Muscovado, or clayed sugars (not being the growth of such country, in case such treaty shall after the day of November continue to subsist, shall, if imported from such country, or from any British possession abroad, having been into such British possession from such country, be admitted to consumption in the United Kingdom at the aforesaid rate of 14*s.* per hundred weight, and five per centum additional as from and after the day so to be named in such order the aforesaid shall, if so imported as aforesaid, be so admitted subject nevertheless to the production of the like certificate making of the like declaration, as are hereinbefore required to sugars the growth of China, Java, or Manilla."

Sect. 8 enacts, "That in case the privileges granted by any foreign country in respect of which any order in council issued under the enactment lastly hereinbefore contained shall be granted conditionally, such order shall expressly declare that country hath duly fulfilled the said conditions, and is entitled to the privilege."

Sect. 9 enacts, "That the respective bounties now paid by an act passed in the session of parliament holden in the fourth years of the reign of his said late majesty, intituled, 'An Act for granting certain Bounties and Allowances of Customs,' and a second act passed in the session of parliament holden in the first and of the reign of her present majesty, intituled 'An Act for Her Majesty, until the Fifth Day of July One thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-eight,' shall continue to be allowed and paid so long as the same shall remain in force, or be further continued by any act hereafter to be passed."

Sect. 10 provides and enacts, "That if at any time satisfied shall have been laid before her majesty in council that the importation of foreign sugar into any British possession within the limits of the dominions of the Queen, or into any place where the India Company's charter is prohibited, it shall be lawful for her majesty, by and with the advice of her privy council, or by her majesty's command, to be published from time to time in the *London Gazette*, to allow the importation of sugar, the growth of any such British possession, at the lower rate of duty in the said first-recited act specified manner, and under the same restrictions and conditions, as the growth of the presidency of Fort William in Bengal may be subject to a lower rate of duty under the provisions of the said recited act."

Sect. 11 enacts, "That it shall be lawful for her majesty, by order in council, from time to time to revoke or alter any order previously made under the authority of this act."

Sect. 12 enacts, "That every order in council to be made under the authority of this act shall, as soon as may be after the making thereof, be published in the *London Gazette*."

re and apply the same from time to time to such services as
have been voted by the commons of the United Kingdom
and Ireland in this present session of parliament; and so Duties arising in
aid duties on sugar as shall arise and be payable in Ireland
into the receipt of the exchequer in Ireland, and shall be
consolidated fund of the United Kingdom of Great Britain

acts, "That it shall be lawful for the said commissioners of The treasury may
treasury at any time or times to cause any number of direct exchequer
bills to be made out at the receipt of the exchequer at bills to be made
for any sum or sums of money not exceeding in the whole, out not exceeding
3,000,000l.

sum or sums of money issued towards the aids or supplies
of this act, the sum of 3,000,000l, in like manner as is
an act passed in the forty-eighth year of the reign of king
Charles, intituled 'An Act for regulating the issuing and paying
Exchequer Bills,' and in another act passed in the session of
1685 in the fourth and fifth years of the reign of his late
William the Fourth, intituled 'An Act to regulate the Office
of His Majesty's Exchequer at Westminster:' and in
passed in the session of parliament holden in the fifth and
sixth of the reign of her present majesty, intituled 'An Act for
the Preparation and Issue of Exchequer Bills.'

acts, "That all and every the clauses, provisoies, powers, Powers of acts
privileges, penalties, forfeitures, and disabilities contained in extended to this
said acts passed in the forty-eighth year of the reign of king
Charles, and in the fourth and fifth years of the reign of his said
majesty, and in the fifth and sixth years of the reign of her present
majesty, shall be applied and extended to the exchequer bills to be made
under this act, as fully and effectually to all intents and
purposes of this act, as fully and effectually to all intents and
purposes of the said several clauses or provisoies had been particularly
re-enacted in the body of this act."

acts, "That the exchequer bills to be made out in pursuance Exchequer bills
shall bear an interest not exceeding the rate of 4*l.* per centum to bear an in-
pon or in respect of the whole of the monies respectively terest.
therein."

declares and enacts, "That it shall be lawful for the governor Bank of England

Excise and Customs.

7 & 8 Vict. c. 28.

vered to Bank of England as security for advances.

Exchequer bills to be charged on duties granted by this act.

Money due to be paid out of next aids.

Surplus monies to be carried to consolidated fund.

Treasurer to allow necessary charges of making forth new exchequer bills.

Monies issued to be replaced out of first supplies.

7 & 8 Vict. c. 73.

Her majesty, by order in council, may reduce the duties on foreign books and prints in cases in which copyright is allowed to the country of export under 7 & 8 Vict. c. 12;

her majesty's treasury to cause such bills as shall be prepared by of this act to be delivered from time to time to the governor and company of the Bank of England, in such proportions as the public may require, as security for the advance or advances which may be made to her majesty by the said governor and company of the Bank of England under the authority of this act."

Sect. 20 enacts, "That the exchequer bills to be made forth of this act, together with the interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the grants granted by this act; and it shall be lawful for the said commissioners of her majesty's treasury from time to time to direct to be issued by the paymasters of exchequer bills, by way of imprest and upon account of sums of money, and at such periods, as the said commissioners shall think necessary, for or towards paying off and discharging the said bills which shall have been made forth by virtue of this act, and for them, and for and towards paying the interest to become due on the bills or any of them."

Sect. 21 enacts, "That the monies remaining unsatisfied on the charge, with the interest due or to grow due thereon, shall be satisfied out of the next aid or aids to be granted in parliament on the 5th day of July, 1845."

Sect. 22 enacts, "That the surplus of the monies arising out of the duties granted and imposed by this act, after paying off and all the exchequer bills issued by virtue of this act, together with the interest that may become due thereon, shall, as a surplus of monies respectively, be carried to and made part of the consolidated fund of the United Kingdom of Great Britain and Ireland."

Sect. 23 enacts, "That it shall be lawful for the said commissioners of her majesty's treasury to pay and allow, or cause to be paid out of the monies to arise of or from the said duties hereby authorized, or from the said consolidated fund, from time to time, the charges of making forth the exchequer bills hereby authorized, and such other charges as shall be necessarily incident to the execution of this act, or any part thereof, in relation to the anything herein contained to the contrary notwithstanding."

Sect. 24 provides and enacts, "That whatever monies shall be paid out of the said consolidated fund shall from time to time be paid out of the first supplies to be thereafter granted by parliament herein contained to the contrary notwithstanding."

By the 7 & 8 Vict. c. 73, intituled, "An Act to reduce, under certain circumstances, the Duties payable upon Books and Engravings," [reciting that, by the 5 & 6 Vict. c. 47, and the 7 & 8 Vict. c. 12, intituled "An Act to amend the Law relating to International Copyright," it is amongst other things enacted, that it is lawful for her majesty, by any order in council, to grant unto inventors, designers, engravers, or makers of any books, prints, or works of art first published in any foreign country specified in such the privilege of copyright therein for certain periods, and under such conditions, in the said last-mentioned act defined and contained; that it is expedient that provision should be made in the manner after mentioned for reducing, in cases where her majesty has issued any such order in council as aforesaid, the duties of customs payable on the importation of books and prints; it is therefore enacted, "That whenever and so often as her majesty shall by virtue of the power recited, by any order or orders in council, declare that the inventors, designers, engravers, or makers of any books, prints, or works of art first published in any foreign country shall have the privilege of copyright therein, then and in every such case it shall be lawful for her majesty, by any order or orders in council, to declare in respect of books and prints, or either of them, published in and from such foreign country, the duties of customs now payable on the importation of such books and prints."

; been made."

at every order or orders in council issued under the authority Orders to be
ll, within fourteen days after the issuing thereof, be twice published in the
Gazette; be *London Gazette*."

at a copy of every order or orders in council issued under the and to be laid
is act shall be laid before both houses of parliament within before parliament.
r issuing the same, if parliament be then sitting, and if not
x weeks after the commencement of the then next session of

RULE to which the 7 & 8 Vict. c. 73 refers.

s.	d.
language or languages of the country of export, orig- id therein, or original works of that country in the dead other works in the dead languages with original com- oduced in that country the cwt. 15 0	
published in the country of export, if printed prior to in or since the year 1801 the cwt. 20 0	
ings, plain or coloured, single each 0 0½	
. . . bound or sewn - the dozen 0 1½	

Extortion.

In inferior courts, &c., see *Addenda*, title "Inferior Courts."

Fencing Matches.*See Addenda to, title "Gaming," post.***Fives.***See Addenda to, title "Gaming," post.***Foot Ball.***See Addenda to, title "Gaming," post.***Foot Races.***See Addenda to, title "Gaming," post.***Foreign Country.**

6 & 7 Vict. c. 75. By the 6 & 7 Vict. c. 75, intituled "An Act for giving effect to the Convention between Her Majesty and the King of the French for the suppression of certain Offenders," [22nd August, 1843,] reciting that certain "Convention between her majesty and the king of the French was signed at London on the 13th day of February, in the year 1843, the stipulations whereof were exchanged at London on the 13th day of April in the same year, it was agreed, 'that the high contracting parties on requisition made in their name through the medium of their diplomatic agents, deliver up to justice persons who, being accused of crimes of murder (comprehending the crimes designated in the penal code by the terms assassination, parricide, infanticide, and poisoning), or of an attempt to commit murder, or of forgery, or of fraudulent bankruptcy, committed within the jurisdiction of the requiring party, should seek an asylum or should be found within the territories of the other; provided that this should be done only when the committing party should establish as that the laws of the country where the fugitive or person so accused should be found would justify his apprehension and commitment for trial if the crime had been there committed; and it is by the said convention further stipulated, 'that on the part of the British government the surrender should be made only on the order of a judge or magistrate duly authorized to take cognizance of the charge against the fugitive in the warrant of arrest or other equivalent judicial document issued by a judge or competent magistrate in the place and likewise clearly setting forth the said acts; and it is by the said convention further stipulated and agreed, 'that the expences of apprehension and surrender made in virtue of the stipulations hereinbefore mentioned should be borne and defrayed by the government in whose name the requisition should have been made; and it is by the said convention further stipulated and agreed, 'that the provisions of the said convention should not apply in any manner to crimes of murder, forgery, or fraudulent bankruptcy committed antecedently to the date thereof; and the said convention further stipulated and agreed, 'that the said convention should be in force until after the 1st day of January, in the year after which date either of the high contracting parties should be at liberty to give notice to the other of its intention to put an end to it, and it should altogether cease and determine at the expiration of six months from the giving of such notice.'

Foreign
Country.

After the issue of such notice: and whereas it is expedient that provision should be made for carrying the said convention into effect: it is enacted, That in case of requisition be duly made, pursuant to the said convention, in the name of his majesty the king of the French, by his ambassador or other accredited diplomatic agent, to deliver up to justice any person who, being accused of having committed, after the ratification of the said convention, the crime of murder (comprehending the crimes designated in the French terms assassination, parricide, infanticide, and poisoning), fit to commit murder, or of forgery, or of fraudulent bank-the territories and jurisdiction of his said majesty the king shall be found within the dominions of her majesty, it for one of her majesty's principal secretaries of state, or in chief secretary of the lord lieutenant of Ireland, and in her majesty's colonies or possessions abroad for the officer administration of any such colony or possession, by warrant under seal, to signify that such requisition has been so made, and justices of the peace and other magistrates and officers of their several jurisdictions to govern themselves accordingly, apprehending the person so accused and committing such for the purpose of being delivered up to justice, according to the terms of the said convention, and thereupon it shall be lawful of the peace, or other person having power to commit for accused of crimes against the laws of that part of her majesty in which such supposed offender shall be found, to swear any person or persons touching the truth of such upon such evidence as according to the laws of that part of dominions would justify the apprehension and committal for son so accused if the crime of which he or she shall be so seen there committed, it shall be lawful for such justice of other person having power to commit as aforesaid, to issue the apprehension of such person, and also to commit the used to gaol, there to remain until delivered pursuant to as aforesaid."

vided, "That in every such case copies of the depositions original warrant was granted, certified under the hand of persons issuing such warrant, and attested upon the oath producing them to be true copies of the original depositions, d in evidence of the criminality of the person apprehended."

Copies of the depositions may be given in evidence.

bat it shall be lawful for one of her majesty's principal secretaries or in Ireland for the chief secretary of the lord lieutenant in any of her majesty's colonies or possessions abroad for ministering the government of any such colony or possession under his hand and seal to order the person so com-delivered up to such person or persons as shall be duly the name of the said king of the French to receive the mitted, and convey such person to the dominions of the French, to be tried for the crime of which such person used, and such person shall be delivered up accordingly; lawful for the person or persons authorized as aforesaid to son so charged with crime and committed as aforesaid to ion in custody, and take him or her to the dominions of the such, pursuant to the said convention; and if the person ill escape out of any custody to which he or she shall be to which he or she shall be delivered as aforesaid, it shall retake such person, in the same manner as any person y crime against the laws of that part of her majesty's which he or she shall so escape may be retaken upon an sed always, that no justice of the peace or other person e warrant for the apprehension of any such supposed it shall have been proved to him, upon oath or by affidavit, applying for such warrant is the bearer of a warrant of

Offenders to be delivered up.

*Foreign
Country.*

6 & 7 Vict. c. 75.

After two months
the persons ap-
prehended may
be discharged, if
not conveyed out
of her majesty's
dominions.

arrest or other equivalent judicial document, issued by a judi-
ciable magistrate in France, authenticated in such manner
as to justify the arrest of the supposed offender in France upon
charge, or unless it shall appear to him that the acts charged
against the supposed offender are clearly set forth in such warrant of arraignment or
equivalent judicial document."

Sect. 4. "That where any person who shall have been committed
under this act, to remain until delivered up pursuant to requisition aforesaid,
shall not be delivered up pursuant thereto, and conveyed out of
her majesty's dominions, within two calendar months after such
over and above the time actually required for conveying the person
from the gaol to which he or she was committed by the readiest way
out of her majesty's dominions, it shall in every such case be lawful for
her majesty's judges in that part of her majesty's dominions in
which the supposed offender shall be in custody, upon application made
to them by or on behalf of the person so committed, and upon giving
to him or them that reasonable notice of the intention to make
such application has been given to some or one of her majesty's principals
of state in Great Britain, or in Ireland to the chief secretary
and lieutenant of Ireland, and in any of her majesty's colonies or
possessions abroad for the officer administering the government of any such
possession, to order the person so committed to be discharged from
custody, unless sufficient cause shall be shown to such judge
why such discharge ought not to be ordered."

Limits of the act.

Sect. 5. "That if, by any law or ordinance to be hereafter passed
by the local legislature of any British colony or possession abroad, pro-
vision be made for carrying into complete effect within such colony or
territory the objects of this present act by the substitution of some
other instrument in lieu thereof, then it shall be competent to her majesty
by advice of her privy council, (if to her majesty in council it
meet, but not otherwise,) to suspend the operation within any
such colony or possession of this present act so long as such substitute
shall continue in force there, and no longer."

Sect. 6. "That this act shall continue in force during the duration
of the said convention."

Continuance of
act.

6 & 7 Vict. c. 76.

By the 6 & 7 Vict. c. 76, intituled "An Act for giving effect
between Her Majesty and the United States of America for the
apprehension of certain Offenders," [22nd August, 1843,] reciting
the tenth article of a treaty between her majesty and the United
States of America, signed at Washington on the 9th day of August,
1842, the ratifications whereof were exchanged at London on the
1st day of October in the same year, it was agreed that her majesty
and the said United States should, upon mutual requisitions by their
ministers, officers, or authorities respectively made, deliver up
all persons who, being charged with the crime of murder,
with intent to commit murder, or piracy, or arson, or
forgery, or the utterance of forged paper, committed within
the jurisdiction of either of the high contracting parties, should be
a fugitive from justice or should be found within the territories of the other
party, that this should only be done upon such evidence of criminality
as according to the laws of the place where the fugitive or
offender charged should be found would justify his apprehension and
commitment for trial if the crime or offence had been there committed, and
that the respective judges and other magistrates of the two governments
have power, jurisdiction, and authority, upon complaint made
to issue a warrant for the apprehension of the fugitive or
offender charged, so that he might be brought before such judges or magis-
trates respectively, to the end that the evidence of criminality
should be heard and considered, and if on such hearing the evidence
so presented should be deemed sufficient to sustain the charge it should be the duty
of the examining judge or magistrate to certify the same to the proper

city, that a warrant might issue for the surrender of such fugitive, that the expence of such apprehension and delivery should be borne defrayed by the party making the requisition and receiving the fugitive, and it is by the eleventh article of the said treaty further agreed, the tenth article, hereinbefore recited, should continue in force until either of the high contracting parties should signify its wish to terminate it, and no longer: and whereas it is expedient that provision be made for carrying the said agreement into effect: it is enacted, that in case requisition shall at any time be made by the authority of the United States, in pursuance of and according to the said treaty, for the delivery of any person charged with the crime of murder, or assault intent to commit murder, or with the crime of piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of the United States of America, who shall be found within the territories of her majesty, it shall be lawful for one of her majesty's principal secretaries of state, or in Ireland for the chief secretary for the said Lieutenant of Ireland, and in any of her majesty's colonies or plantations abroad for the officer administering the government of any colony or possession, by warrant under his hand and seal to signify such requisition has been so made, and to require all justices of the peace and other magistrates and officers of justice within their several jurisdictions to govern themselves accordingly, and to aid in apprehending the person so accused, and committing such person to gaol, for the purpose of being delivered up to justice, according to the provisions of the said treaty; and thereupon it shall be lawful for any justice of the peace or other person having power to commit for trial persons accused of any offence against the laws of that part of her majesty's dominions in which such supposed offender shall be found, to examine upon oath any persons touching the truth of such charge, and upon such evidence according to the laws of that part of her majesty's dominions to justify the apprehension and committal for trial of the person so accused; if the crime of which he or she shall be so accused had been there committed it shall be lawful for such justice of the peace, or other person having power to commit as aforesaid, to issue his warrant for the apprehension of such person, and also to commit the person so accused to gaol, there to remain until delivered pursuant to such requisition as aforesaid."

The remaining sections of this act are the same in effect as those in the preceding act of 6 & 7 Vict. c. 75.

Foreign
Country.

6 & 7 Vict. c. 76.

Certain offenders
to be apprehended
on requisition of
the United States.

Forgery.

the 7 & 8 Vict. c. 22, intituled "An Act to amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Wares in England," [4th July, 1844,] reciting the passing of the 38 Geo. III. c. 59, and that by 38 Geo. III. c. 69, it is enacted, that after the said 1st day of October, 1798, if any person shall forge, counterfeit, or cause or procure to be cast, forged, or counterfeited, the mark or stamp used or directed to be used in pursuance of the said act for the marking or stamping of gold plate by the company of Goldsmiths in London or Edinburgh, or the Birmingham or Sheffield companies, or by the wardens or assayer or assayors at York, Exeter, Bristol, Chester, Norwich, or Newcastle-upon-Tyne, or any or either of them, or shall cast, forge, or counterfeit, or shall cause or procure to be forged, or counterfeited, any mark, stamp, or impression, in imitation of or to resemble any mark, stamp, or impression made or to be used with any mark or stamp used or to be used as aforesaid by the said company of Goldsmiths in London or Edinburgh, or by the said Birmingham or Sheffield companies, or by the said wardens or assayer or assayors of any or either of them, or shall mark or stamp, or cause or procure to be marked or stamped, any wrought plate of gold, or any wares of silver,

other metal as aforesaid, with any such forged or counterfeited mark or stamp thereon, or any mark, stamp, or impression or shall be transferred or removed from any of the aforesaid such mark, stamp, or impression to be forged or counterfeited or removed as aforesaid, or shall wilfully take or possess of any mark or stamp which hath been counterfeited in imitation of and to resemble any mark or stamp as aforesaid by the said company of Goldsmiths at Edinburgh, or by the said Birmingham and Sheffield or by any wrights or assayer or assayers, or any or either of them, as an offending in any such or either of the cases aforesaid fully convicted, shall be adjudged guilty of a felony and sent to such parts beyond the seas as in the Queen's Privy council, shall direct, for the suppression of this act is expedient to simplify the said laws, and to make such laws clearly expressed, and to make further provisions and changes in the marking of all dealing in gold and silver enacted. " That the said act passed in the Parliament of his said late majesty king George the Third, and passed in the thirty-eighth year of the reign of his said late majesty king George the Third as is hereinbefore recited, shall be wholly repealed, so far as the same relate to the said Kingdom called England, except as to offences committed before this act shall come into operation, whereupon it shall be as if this act had not been passed; and that the same be repealed by the said act passed in the Parliament of his said late majesty king George the Third, and passed in this act."

Section 2. " That every person who shall forge or counterfeit or alter any part of any die or other instrument appointed to be provided or used by the company of Goldsmiths by any of the several companies of goldsmiths in the cities of Exeter, Bristol, Chester, or Norwich, or the town of Fylde, or by the companies of guardians of the standard in the towns of Sheffield or Birmingham respectively or stamping of any gold or silver wares; and every

, knowing the same respectively to have been forged,
imitated, marked, transposed, or removed ; and every per- cutting or severing
cut or sever from any ware of gold or silver any mark or any marks with intent
mark of any die or other instrument provided or used or to to affix upon other
used as aforesaid, with intent that such mark or such part wares ;
shall or may be placed upon or joined or affixed to any other affixing any mark
or silver, or to any ware of base metal ; and every person cut or severed
upon or join or affix to any ware of gold or silver, or any from any other
metal any mark of any die or other instrument provided or wares ;
provided or used as aforesaid, which shall have been cut or
any ware of gold or silver ; and every person who shall, or fraudulently
defraud her majesty, or any of the said several companies using genuine
and guardians respectively, or any person whatever, use dies ;
die or other instrument provided or used or to be provided
aforesaid, and every person counselling, aiding, or abetting any Felony :
, shall be guilty of felony, and shall, at the discretion of the
be transported beyond the seas for any term not exceeding Punishment.
nor less than seven years, or be imprisoned with or without
for any term not exceeding three years."

That every dealer in gold or silver wares who shall sell or Penalty on dealer
expose or keep for sale, or shall export or import, or attempt selling, &c. or
import, from or to England, or who shall have in his posses- having in his pos-
lawful excuse (the proof whereof shall lie upon him) any ssession any wares
or silver, or any ware of base metal, having therenpon any with forged
forged or counterfeit die or other instrument as aforesaid, or marks.

or counterfeit mark or imitation of a mark of any die or other provided or used or to be provided or used by any of the anies of goldsmiths and guardians aforesaid for marking gold res, or having thereupon any mark which shall have been r removed thereto from any other ware of gold or silver, shall h ware so sold or exchanged, or exposed or kept for sale, or imported, or attempted to be exported or imported, or so be in his possession as aforesaid, forfeit and pay the sum h may be sued for and recovered by any of the several com oldsmiths and guardians aforesaid in manner hereinafter

Forgery.

To the c. II

town, or place in which such person shall reside, or shall transact his said trade or business, the name and place of all actual manufacturer of any such ware of gold or silver, or w^m metal, or of the person or persons from whom such deal or silver wares bought, had, or received the same respectively dealer in gold or silver wares shall be and he is hereby exempted charged from any penalty or forfeiture incurred by reason of so sold or exchanged, or exposed or kept for sale, or exported, or attempted to export or import, or having in his possession ware of gold or silver, or ware of base metal, as aforesaid, any inbefore contained to the contrary thereof notwithstanding always, that nothing herein contained shall extend to exempt from the legal consequences of uttering or of having in his possession such ware as aforesaid, knowing the same to be marked with counterfeit die or other instrument, or knowing the mark ther forged, counterfeited, imitated, transposed, or removed, if such shall be duly proved in any criminal prosecution or proceed such person for any such offence."

Where any alterations or additions are made, the duty to alter or added to shall be again assayed, and marked as new, and duty paid upon the whole

Proviso for cases where an addition only is made to any ware.

Penalty upon any dealer altering or adding to any ware without bringing same to be re-assayed, and re-marked, or if only of a certain weight, without procuring the assent of any company thereto;

Sect. 5. "That if any ware of gold or silver which shall duly assayed and marked at an assay office of any of the severies of goldsmiths or guardians aforesaid shall at any time passing of this act be altered, either by any addition made otherwise, so that the character or denomination of such use or purpose for which the same was originally made shall be changed, or if any such ware of gold or silver shall after the passing of this act have any addition made thereto (character, denomination, use, or purpose shall not be change of any such addition), the weight of which said addition greater proportion to the original weight of such ware than weight of such addition to every pound troy weight of s ware, every such ware so altered or added to as aforesaid shall brought to the assay office of some one of the several companies of goldsmiths or guardians aforesaid, and shall be assayed and marked, and as if no part thereof had been before assayed, and bring any former assay thereof, or the marks of any such former upon, and the duty shall be paid upon the whole weight of ware, and of every addition thereto (if any shall be made or be made), without any allowance for the duty which may have paid upon any such ware, or any part thereof: Provi that if any ware of gold or silver shall have any such ad thereto as last aforesaid, and the whole weight of such ad thereto shall not bear a greater proportion to the original we ware than four ounces weight of such addition to every weight of such original ware, and so that the character or de use or purpose, of such ware, shall not be changed, it shall the company of goldsmiths or guardians at any such assay of the addition thereto only to be assayed and marked, and to take the duty on the weight of such addition thereto only; p before any such addition shall be made thereto the said w brought to such office for the inspection of such company of or guardians aforesaid, and the nature and extent of the ins tions thereto shall be fully explained to such company, and pany shall signify their assent to the making of such additi and every dealer in gold or silver wares who shall by any ever alter or change the character or denomination of any or silver which shall have been before assayed and mark of the several companies of goldsmiths or guardians afores the use or purpose for which the same was originally m signed shall be changed, and every dealer in gold or silver who shall make or affix, or cause to be made or affixed, of gold or silver which shall have been before assayed:

the original weight of such ware than four ounces weight on to every pound troy weight of such original ware, without sending such last-mentioned gold or silver ware so added said, with every addition intended to be made thereto, to be of some one of the several companies of goldsmiths or remaid, for the inspection of the said company, and fully nature and extent of the intended addition thereto to the and obtaining and procuring the assent of the said com- mising of such addition before any such addition shall be and every dealer in gold or silver wares who shall sell or expose or keep for sale, or export or attempt to export from shall have in his possession, any such ware of gold or silver ve been so altered, changed, or added to as aforesaid, the idition thereto, not having been so assayed and marked as

for every such ware forfeit and pay the sum of 10l., which and recovered by any of the several companies of gold- dians aforesaid respectively in the manner hereinafter pro- ery such ware of gold or silver, if found at any house, where any such dealer in gold or silver wares shall carry

his trade or business, shall and may be lawfully seized by eral companies of goldsmiths or guardians aforesaid, and ult with as hereinafter is directed."

hat every such dealer in gold or silver wares who shall exchanged, or exposed or kept for sale, or exported or at- ort from England, or had in his possession, any such ware which shall have been so altered, changed, or added to e same or the addition thereto not having been so assayed aforesaid, and shall within twenty-one days next after to him given by any of the several companies of gold- dians aforesaid, or left at his usual place of abode, or at p, or place where he shall carry on or transact his said me, discover and make known to the company of gold- dians in or nearest to the city, town, or place in which such ide, or shall carry on or transact his said trade or business, place of abode of the actual manufacturer of any such ware

and upon every dealer selling such ware without the same being marked:

and such ware to be seized.

Dealers to be ex- empted in certain cases.

Forgery.

7 & 8 Vict. c. 22.
Subject to penalty
of £10.

The officer to be
dismissed:

and every such
ware to be seized.

Dealer to enter
every place
wherein he shall
carry on his busi-
ness or deposit
wares, &c.

Penalty 5*l.*

Penalty for any
dealer erasing,
obliterating, or
defacing any
mark.

upon-Tyne, or either of the companies of guardians of the wrought plate in the towns of Sheffield or Birmingham respectively, or permit or suffer to be marked, any ware of base metal or other instrument used or to be used by any such marking gold or silver wares to denote that the same is of allowed and required by law, every such company of guardians aforesaid to which any such assayer or officer shall by whom such person shall be employed shall for every forfeit and pay to her majesty the sum of 20*l.*, which may be recovered in such and the like manner as penalties received for any act in force relating to stamp duties are to be sued for by law; and every such assayer or other officer or person aforesaid upon complaint or information made thereof by stamp duties to any justice of the peace having jurisdiction such offence shall be committed, upon the oath of one or persons (which oath such justice is hereby enabled to require to administer), and upon being convicted thereof such justice, shall be by him forthwith dismissed and discharged from office and employment of or in the company of guardians aforesaid; to or in which he shall have so been employed as aforesaid, and shall be incapable for ever holding any office or employment either in or under the other of the companies of goldsmiths or guardians aforesaid ware of base metal so marked as last aforesaid, when possession of any dealer, or of any officer of the companies or guardians aforesaid, shall and may be lawfully seized by said companies of goldsmiths or guardians aforesaid, a company to which the offending officer belongs, or by his employer, and shall be dealt with as hereinafter is provided.

Sect. 5. "That every dealer in gold or silver wares who shall private mark under the laws now in force with any of the goldsmiths or guardians aforesaid, shall at the time he shall private mark at the hall or office of any such company given there appointed to take the entry of his said private mark of every house, shop, and other place in which he shall enter or transact any part of his said trade or business, and in or may deposit or keep any gold or silver wares, as well as his abode, in order that an entry may be made at such house, every such house, shop, and other place as aforesaid; and every dealer in gold or silver wares shall from time to time enter at such hall or office of any of the companies of goldsmiths aforesaid where his private mark has already been or may be entered the particulars of every house, shop, and other place as aforesaid; and every such dealer in gold or silver wares shall or may from time to time transact or carry on any trade or business, or in which he shall or may from time to time deposit any gold or silver wares, in order that an entry may be made at such hall or office of every such house, shop, and other place as aforesaid; and every such dealer in gold or silver wares shall fail, neglect, or refuse to give any such particulars as to cause such entry of the same to be made as aforesaid, such offence forfeit and pay the sum of 5*l.*, which may be recovered in the manner hereinafter provided by the goldsmiths or guardians aforesaid in respect whereof such have been made."

Sect. 9. "That every dealer in gold or silver wares who shall lently erase, obliterate or deface, or fraudulently cause obliterated, or defaced, from any ware of gold or silver, a die, punch, or other instrument used or to be used by any companies of goldsmiths or guardians aforesaid for the stamping of gold or silver wares, or any private mark of an or silver wares, shall for every such offence forfeit and

either of such offences shall be suspected to be committed, he is hereby required, upon information or complaint made reasonable or probable cause of suspicion, by or on behalf of several companies of goldsmiths or guardians aforesaid, and of one or more credible person or persons (which oath such may empower and required to administer), to grant a warrant directed to any one or more of the officers of any of companies of goldsmiths or guardians aforesaid, together with any other peace officer named in such warrant, authorizing such officer of the said companies respectively, and such other peace officer as aforesaid, with necessary and proper enter in the day-time into any such house, shop, or place as any other house, shop, or place of any such suspected person, and to search the same, and to seize and take away every such forfeited die or other instrument, and every such ware as shall there be found; and all constables and other peace officers and they are hereby required to be aiding and assisting in the execution of every such warrant as aforesaid; and every such forged or counterfeited die or other instrument, and every such ware as aforesaid, seized, and taken, shall and may be dealt with as provided: Provided always, and it is hereby declared that Nothing herein contained shall authorize the search for or seizure of such wares as are now in force are not required to be marked by any of the companies of goldsmiths or guardians aforesaid, the wares following; namely, watch rings, watch keys, earrings, necklaces, eyeglasses, spectacles of gold, shirt bracelets, head ornaments, waist buckles."

Nothing herein
to authorize the
search for or
seizure of wares
not required to be
marked.

Forgery.

7 & 8 Vict. c. 22.

False dies and
wares seized, how
to be disposed of.

Sect. 12. "That every die, punch, or other instrument which be lawfully seized or taken under this act by the said comp smiths in London, or by any of the several companies of g guardians aforesaid, or by any officer of any of the said c spectively, shall be broken, detained, and destroyed by an and every such ware so seized or taken as aforesaid, if it sh to the satisfaction of the court or justice or justices before w ings shall be had in respect of such ware that the same has seized and taken under the provisions of this act, shall b defaced ; and in case it shall be shown to the satisfaction of justice or justices that the dealer from whom the same shall seized or taken had such ware in his possession, knowing t marked with a forged or counterfeit die or other instrument the mark thereupon to be forged, counterfeit, imitated, t removed, or knowing such ware to have been altered, chan to as aforesaid (the same or the addition thereto not having or marked as required by this act), or knowing such ware metal ; then and in every such case, and likewise in every such ware has been seized or taken from any officer of al goldsmiths or guardians aforesaid as being of base metal lently marked, every such ware so broken and defaced shall the metal thereof shall be sold and disposed of, and the p shall be entered in the book of account of receipts and pay to the assay office belonging to the said company by whos officer such ware shall have been so seized or taken, and sh towards defraying the general expenses of the assay office pany, and in the prosecution of offenders under this act ; except as aforesaid, every such ware so seized and taken, defaced, shall be given back to the dealer from whom it s so seized and taken."

Limitation of
actions.

Venue local.

Notice of action.

General issue.

Tender of
amends.

Costs.

Construction and
interpretation of
terms.

Sect. 13. "That all actions and prosecutions which shall commenced against any person for any thing done in purs the authority of this act shall be commenced and prosecute calendar months next after the fact committed, and not s shall be brought and tried in the county or place where the shall arise, and not elsewhere ; and notice in writing of su of the cause thereof, shall be given to the defendant one c at least before the commencement of the action ; and th such action may plead the general issue, and give this act matter or thing in evidence at any trial to be had thereupon cause of action shall appear to arise from any matter or pursuance and by the authority of this act, or if any such brought after the expiration of such three calendar montl brought in any other county or place than as aforesaid, or if action shall not have been given in manner aforesaid, or if ten amends shall have been made before such action comm sufficient sum of money shall have been paid into court af commenced, by or on behalf of the defendant, the jury sh dict for the defendant ; and if a verdict shall pass for the if the plaintiff shall become nonsuit or shall discontinue as or if, on demurrer or otherwise, judgment shall be give plaintiff, the defendant shall recover his full costs of suit : torney and client, and shall have the like remedy for the defendant may have for cost of suit in other cases at law ; a verdict shall be given for the plaintiff in any such action, shall not have costs against the defendant, unless the judge the trial shall be had shall at the time of such trial certify approbation of the action, and of the verdict obtained there

Sect. 14. "And for the better interpretation of this act, the frequent use of divers terms and expressions, be it ena following terms and expressions shall have the several i

pectively set forth: (that is to say,) the term 'base metal' Forgery.
 on any metal whatsoever other than gold or silver of the
 bards required by law; and the term 'dealer in gold or silver' 7 & 8 Vict. c. 22.
 shall mean and include every goldsmith and silversmith,
 er, maker, and manufacturer of and trader and dealer in
 wares; and the term 'die' shall mean and include any
 or instrument whatever, by means whereof any mark can
 be upon any metal whatsoever; and the term 'her ma-
 jesty and include her majesty, her heirs and successors; and
 ' shall mean and include any mark, stamp, or impression Base metal.
 th any die or other instrument, or produced by any other
 ver upon any metal whatsoever; and the term 'ware' Dealer.
 l include any plate, vessel, article, or manufacture of any
 r; and whenever in this act, with reference to any person
 sing, or to any persons or matters or things, the singular
 ter or the masculine gender only is expressed, such ex-
 ce understood to include several persons or matters or
 s one person or matter or thing, and one person, matter,
 as several persons or matters or things, females as well
 is politic or corporate as well as individuals, unless it be
 ally provided, or the subject or context be repugnant to
 on."

nd whereas all gold wares of the standard or fineness of After 1st Oct.
 its of fine gold in every pound troy assayed by any of the
 of goldsmiths and guardians are by certain statutes now
 d to be marked with the same mark as that with which all
 the standard or fineness of eleven ounces and two penny-
 l as aforesaid, are required to be marked, (that is to say,) 1844, gold wares
of a certain stan-
dard to be marked
with a crown and
the figures 22
instead of the
lion passant.
 if the lion passant, in order to denote the standards thereof
 hereby great facilities to frauds are afforded, and extensive
 m committed by dealers in gold and silver wares; and it
 t all gold wares of the standard or fineness aforesaid, and
 foresaid, should be marked by a different mark, to denote
 hereof, from the mark so used for the said silver wares as
 t therefore enacted, That from and after the first day of
 there shall be struck or marked by the said company of
 London, and by the several companies of Goldsmiths in the
 Exeter, Bristol, Chester, and Norwich, and the town of
 i-Tyne, and the Company of Guardians of the Standard of
 in the town of Birmingham, upon all gold wares of the
 ness of twenty-two carats of fine gold in every pound troy,
 a respectively to be assayed, the mark of a crown and the
 ead of the mark of the lion passant."

hat the rules, directions, powers, privileges, pains, penal- Extending the
 causes, matters, and things enacted or provided in and powers, penalties,
 laws and statutes of this realm now in force in relation to and provisions
 lion passant on gold wares of the standard or fineness of concerning the
 ats in the pound troy, and assayed as aforesaid, and also marks formerly
 be die used for making the said mark of the lion passant, directed to be
 and be continued, applied, practised, and put in execution made use of by
 ting to the said mark of a crown and the figures 22 hereby this act.
 used for the gold wares aforesaid, and also relating to the
 used for making the said mark, as fully and effectually, to
 purposes, as if the same rules, directions, powers, privi-
 nalties, forfeitures, causes, matters, and things were again
 eated and enacted in and by the present act, any thing in
 w in force or any of them contained to the contrary not-

hat this act shall not extend to Scotland or Ireland." Limitation of act.
 hat this act shall come into operation on the first day of Commencement
 , of act.

France.

See ante, Addenda to, "Foreign Country."

Friendly Society.

Friendly Society. A SOCIETY established for the purpose of lending the monies or contributions of its members to the members themselves or to a friendly society within the statutes 10 Geo. IV. c. 56, and 4 & 5 Vict. c. 40. (*Reg. v. Scott, 13 Law J., N. S., Mag. Cas. 70.*)

Game.

Game. THE provisions of the 52 Geo. III. c. 93, that convictions without game certificates shall be entered and registered with the commissioners of taxes of the district, and returned to the justices of the peace, are directory only ; and where this has been omitted the conviction is not therefore void ; but the convicting magistrate may inflict punishment for not complying with the directions of the statute. (*v. Barker, 1 Car. & Kir. 101.*)

By sect. 9 of 6 & 7 Will. IV. c. 65, relating to trespasses upon land in pursuit of game, it is enacted "That upon information made or exhibited before a justice of the peace of any person as aforesaid, it shall not be necessary that the charge contained in such information should be made on the oath of the informer or in such case ; provided that before any proceeding shall be had upon such information, either for summoning the party apprehended his appearance to answer the same, the charge contained in such information shall be deposed to on the oath of some other persons, being a credible witness or credible witnesses. An example under this section was as follows :—

*Staffordshire, } Be it remembered, that, on, &c., at, &c., Sir O.
to wit. } credible witness, in his proper person, came
W. F. C., one of the justices, &c., and giveth me, the said justice,
stand and be informed, that R. R. of, &c., did, on, &c., at, &c., com-
mit a certain trespass, by entering, in the day-time of the same day,
taint close of land, in the possession and occupation of J. W., in
pursuit of game, contrary to the statute, &c. : whereby, and by
statute, R. R. has forfeited a sum of money not exceeding 2l., &c.
information having been also verified upon the oath of W. A., of
credible witness, before me, the said justice ; whereupon the said
prays that the said R. R. may be forthwith summoned to appear
the said justices, to answer the said information, and make his de-
O*

*Exhibited by Sir O. M., and sworn before me the day and year
written.*

There was no other document depositing to the charge the information :—Held, that this information alone was not sufficient compliance with the above section to give two magistrates jurisdiction to entertain the charge. (*Reg. v. Scott, 13 Law J., N. S., 100.*)

7 & 8 Vict. c. 29. By the 7 & 8 Vict. c. 29, intituled "An Act to extend a Law for the Punishment of Persons going armed by night for the Destruction of Game," Ninth Year of King George the Fourth, for the more effectual Suppression of Persons going armed by night for the Destruction of Game, reciting that by the 9 Geo. IV. c. 69, it is enacted that any person shall, after the passing of the said act, by night take or destroy any game or rabbits in any land, whether inclosed or not, such offender should, upon conviction thereof, before the justices of the peace, be liable to be punished, and to find good behaviour, as in the said act specified ; and it was further enacted,

at if any person should be found upon any land committing offence as is hereinbefore mentioned such person might be apprehended, and committed to custody, and in case of any violence should be punished as in the said act is set forth : the provisions of the said act have of late years been evaded by the destruction, by armed persons at night, of game or rabbits upon open or inclosed lands, as described in the said act, but in roads and highways, and other roads and paths leading to such lands, and also at the gates, outlets, and openings between lands, and roads, highways, and paths; so that not only destruction of game or rabbits not been prevented, but the risk and other grievous offences contemplated by the said act has increased, and great danger and alarm occasioned to persons using such roads, highways, and paths; and it is expedient that the remedies by the said act against such offences as hereinbefore mentioned be extended and applied to the like offences committed in roads, highways, and paths: it is therefore enacted " That after the passing of this act all the pains, punishments, and forfeitures imposed by the said act upon persons by night unlawfully destroying any game or rabbits in any land, open or inclosed, as forth, shall be applicable to and imposed upon any person, unlawfully taking or destroying any game or rabbits on any road, highway, or path, or the sides thereof, or at the openings, gates from any such land into any such public road, highway, the like manner as upon any such land, open or inclosed; and it shall be lawful for the owner or occupier of any land adjoining either part of such road, highway, or path where the offender shall be a gamekeeper or servant of such owner or occupier, and any master of such gamekeeper or servant, and for all the persons by the said act, to apprehend any offender against the provisions, to seize and apprehend any person offending against the said act; and the said act, and all the powers, provisions, authorizations therein or thereby contained or given shall be as for carrying this act into execution as if the same had been originally set forth." (See Vol. II. p. 267.)

Punishments and
forfeitures im-
posed by the
recited act on
persons by night
destroying game
or rabbits in any
open or inclosed
land to apply to
persons by night
destroying game
or rabbits on any
public road, &c.

Gaming and Lotteries.

' & 8 Vict. c. 109, as to art-unions; *ante, Addenda, "Art-Union."* Gaming and Lotteries.
c. 3, intituled "An Act to stay Proceedings for Three Calendars, and till the End of the present Session of Parliament, in consequence under the Provisions of several Statutes for the Prevention of Gaming, and to prevent any Proceedings being taken under the same during such limited Time," [5th March, 1844,] reciting c. 9 Anne, c. 14, it is among other things enacted, that from 9 Anne, c. 14. the said 1st day of May, 1711, any person or persons whatsoever shall at any time or sitting, by playing at cards, dice, tables, dominoes or games whatsoever, or by betting on the sides or hands of the persons so playing or betting, in the whole, the sum or value, and shall pay or deliver the same or any part thereof, the persons so losing and paying or delivering the same shall be at the suit of the plaintiff, and the defendant, and shall be liable to three months then next, to sue for and recover the money so lost and paid or delivered, or any part thereof, from the remainer and winners thereof, with costs of suit, by action of debt or this act, to be prosecuted in any of her majesty's courts of parliament, or more than one imparlance shall be allowed; action it shall be sufficient for the plaintiff to allege that the plaintiff or defendants are indebted to the plaintiff, or received to the

7 Vict. c. 3.

summary judgment, passed in the parliament of Ireland
year of the reign of her said majesty: and whereas by
the sixteenth year of the reign of his majesty king Charles
intituled "An Act against deceitful, disorderly, and ex-
cessive gaming": it is amongst other things enacted, that if any person or persons
at any of the games in the said act enumerated and set
out for pastime, game or games whatsoever (other than with another
or shall bet on the sides or hands of such as do or shall
lose any sum or sums of money or other thing or things
exceeding the sum of 100*l.* at any one time or meeting, upon
or otherwise, and shall not pay down the same at the time
they shall so lose the same, the party and parties who
shall have the said monies or other things or things so played
for above the said sum of 100*l.* shall not in that case
be compelled or compellable to pay or make good the same
and contracts for the same and for every part thereof.
In all judgments, statutes, recognizances, mortgages, covenants,
ances, bonds, bills, specialties, promises, covenants,
other acts, deeds, and securities whatsoever which
made, given, acknowledged, or entered into for security
of or for the same or any part thereof, shall be utterly
void and of no effect, and that the said person or persons so winning
other things shall forfeit and lose treble the value of
sums of money or other thing or things which he shall
have so lost, or acquire above the said sum of 100*l.*, the one in
said sovereign lord the king, his heirs and successors, and
thereof to such person or persons as shall prosecute or sue
within one year next after the time of such offence com-
menced for by action of debt, bill, plaint, or information
before the king's courts of record at Westminster, wherein no
action or wager of law shall be allowed; and that every such
plaintiff, informer or informers, shall in every such
action have and receive his treble costs against the person
offending and forfeiting as aforesaid, any law, custom
or usage contrary notwithstanding: and whereas provisions
of those last above recited are contained in an act similar
in the parliament of Ireland in the tenth year of the re-
igning King William the Third: and whereas several persons

7 Vict. c. 8.

Proceedings commenced by common informers, or persons other than actual losers, for penalties incurred by playing at or betting on certain games to be stayed on application to the court in which they were commenced or to a judge.

and that during such limited time no proceedings should for the first time be commenced in such cases by any common informer, or any person other than the actual loser; it is therefore enacted, "That immediately after the passing of this act it shall be lawful for any person against whom any writ, writ of summons, suit, action, bill, plaint, or information shall have been sued out, commenced, or prosecuted by or at the suit of any common informer, or person other than the actual loser, on or before the day of the passing of this act, for the recovery of any forfeiture or pecuniary penalty incurred or supposed to have been incurred, under the said provisions of the said act passed in the ninth year of her said majesty queen Anne, or of the said act passed in the sixteenth year of his said majesty king Charles the Second, or of any other act, by playing at any of the sports or pastimes mentioned in the schedule hereunto annexed, and in like variety of any of the said sports, pastimes or games, and sport, pastime, or game of a like or similar description to any of the sports, pastimes, or games to which a different name may, by general local usage, be appropriated, or by betting on the sides or hands of such as did play thereat, such playing or betting being alleged to have taken place previously to the 1st day of June, 1844, to apply to the court which such original writ, writ of summons, suit, action, bill, or information shall have been sued out, commenced, or prosecuted by any judge of either of the superior courts at Westminster, provided that proceedings shall be stayed for three calendar months from the end of the present session of parliament; and every such judge, as the case may be, is hereby authorized and required, upon application, and proof that sufficient notice has been given to the plaintiff or informer, or to his attorney, of the application, and being satisfied by affidavit or otherwise that such proceedings have been commenced for the recovery of such forfeiture or pecuniary penalty incurred, to make such order as aforesaid; and upon the making of such order aforesaid all further proceedings on such writ, writ of summons, suit, action, bill, plaint, or information shall be forthwith stayed and suspended as aforesaid."

§. 2. "That immediately after the passing of this act it shall be lawful for any person against whom any proceeding or proceedings shall have been commenced or prosecuted by or at the suit of any common informer in Ireland on or before the day of the passing of this act, for the recovery of any forfeiture or pecuniary penalty incurred or supposed to have been incurred under the said provisions of the said act passed in the twentieth year of her said majesty queen Anne, or of the said act passed in the tenth year of his said majesty king William the Third, or of any other act, by playing at any of the said sports or pastimes, or by betting on the sides or hands of such as did play at the same, such playing or betting being alleged to have taken place previously to the 1st day of June, 1844, to apply to the court or a judge in Dublin in like manner, such court or judge shall proceed in like manner and make such order as is hereinbefore directed to be done in the like proceedings commenced by any common informer in England."

§. 3. "That from and after the passing of this act no proceeding or proceedings whatever shall be commenced or prosecuted by any common informer, or person other than the actual loser, his executors or administrators, in the United Kingdom of Great Britain and Ireland, under the above recited provisions of the said acts, or any or either of them, or any other act, for any forfeiture or pecuniary penalty incurred or supposed to be incurred by playing at any of the said sports or pastimes, or by betting on the sides or hands of such as do play at the same, before the 1st day of June, 1844."

§. 4. "That no indictment or other criminal proceeding whatsoever shall be presented or prosecuted against any person for winning or losing by playing or betting at or on any of the said sports or pastimes, or by betting on the sides or hands of such as do play thereat, without the consent of the attorney general."

The like remedy in cases where penalties may have been incurred under the Irish acts.

Restricting proceedings by any common informer, &c. under any of the above provisions after the passing of this act.

Actions not to be brought without the consent of the attorney general.

~~REPEALED.~~
Rowing matches.
Sailing matches.
Coursing matches.

~~REPEALED.~~
Tennis.
Fives.
Racquets.

~~A NEW~~
Poo

7 & 8 Vict. c. 58.

Suspending
actions for
penalties.

AND by 7 & 8 Vict. c. 58, intituled "An Act farthe End of the next Session of Parliament, Proceedings under the Provisions of several Statutes for the Preve Gaming ; and to prevent any similar Proceedings b those Statutes during such further limited Time," [reciting the passing of the 7 & 8 Vict. c. 3 : and that i as well all the proceedings which were stayed or suspen to be stayed or suspended, by the operation of that act or suspended for a further period, and that no other pr nature should be commenced or proceeded with du period ; it is enacted, " That all the actions, suits, or which before the passing of this present act shall h commenced, or prosecuted for the recovery of any forfe penalty incurred or supposed to have been incurred ur of the several acts of parliament recited in the said rec either of them, by playing at any of the sports or past the schedule annexed to the said recited act, or at any any of the said sports, pastimes, or games, or at any game of a like or similar description to any of the said or games, to which a different name may by general appropriated, or by betting on the sides or hands t thereat, whether any order of any court or judge sha therein or not, shall be and the same hereby are sta until the end of the next session of parliament ; and th or other proceeding shall be brought, commenced, or purpose of recovering any forfeiture or pecuniary p supposed to have been incurred, under the provisions recited in the said recited act, or any or either of them, of the said sports or pastimes mentioned in the sched said recited act, or at any *bond side* variety of any e

and judgment or judgments to be entered for such debts."

t all the said recited act of the present session of parliament relates to all other powers, provisions, matters, and contained, shall continue in force until the end of the next next."

Gaols.

7 & 8 Vict. c. 53.

Continuing pro-
visions of recited
act.

Gaols.

to a *habeas corpus*, the court will not give any direction Gaols.
gaoler as to the matter of which his return should con-
er, 13 Law J., N. S., May, Cas. 16.)

Vict. c. 101, s. 57, offenders in workhouses are to be
gaol of the place to which the offender belongs. (See
title "Poor," Vol. IV.)

itration of differences concerning certain accounts and
to prisons, see the 7 & 8 Vict. c. 93, *ante*, *Addenda* to

Vict. c. 50, intituled "An Act to extend the Powers of 7 & 8 Vict. c. 50.
iraging the Establishment of District Courts and Prisons,"
,] reciting the passing of the 5 & 6 Vict. c. 53, and that
at the said act be amended, for the purpose of removing
manner of putting the said act in force with respect to
to which a separate court of sessions of the peace has not
the time of making the agreements contemplated by the
declared and enacted, "That it shall be lawful for the
orough to which her majesty shall not have then granted
of sessions of the peace to be party to any agreement for
the said act; and it shall be also lawful to insert in any
, if the parties thereunto shall think fit, a condition, that
shall not take effect unless her majesty shall be pleased
ate court of sessions of the peace to any such borough;
a condition shall be therein inserted no agreement shall
hstanding that the same shall have been approved by the
hereto, and confirmed by her majesty, as directed by the
er majesty shall have been pleased to grant such separate
ns of the peace to the borough or boroughs respecting
condition shall have been inserted in the agreement."

Agreements con-
templated by the
5 & 6 Vict. c. 53,
may be contin-
gent on grant of
sessions of the
peace.

at so much of the said act as provides that in every case
than one borough having a court of sessions of the peace
to the agreement aforesaid the district united under such
ll be divided into as many divisions as there shall be
ded in such agreement, and to each of such boroughs
oned such a division of the said district as shall be more
jacent thereunto, and shall be set forth in the agreement,
d to the amount of population in the whole district, and
instances of the case, and all prisoners committed to the
any offence committed within any division aforesaid shall
l to the sessions of the peace holden for that borough to
vision shall have been apportioned, and the provisions
ntained with respect to jurors, and the return of convic-
ms, recognizances, and other documents, for the united
pply in each case to the division apportioned to each bo-
repealed."

Repeal of 5 & 6
Vict. c. 53. s. 41,
as to divisions of
united districts.

at in every case in which more than one borough having a Provisions as to
ns of the peace shall be a party to any such agreement,
the grant of such court shall have been made before or
ination of the agreement, the united district shall be divided
ivisions as there are boroughs to which such grants shall
e, in such manner as shall be absolutely or provisionally

Provisions as to
divisions of any
united district,
whether grant
made before or
after confirmation
of agreement.

Secretary of state
to appoint sur-
veyor general of
prisons.

and to the borough which is included in and forms the
such division."

Sect. 4. "And whereas by an act passed in the third
of her majesty, intituled 'An Act for the better orderit
provided, that it shall not be lawful to enlarge, bui
prison until one of her majesty's principal secretaries
approved the plan of such prison or intended pris
That it shall be lawful for the secretary of state to
person to be surveyor general of prisons for the purpo
justices and others having the superintendence of th
prisons, and for reporting to the secretary of state of
which shall be sent to him for his approval as afor
performance of such other duties connected with th
prisons as shall be from time to time intrusted to him
state."

Golf.

See Addenda to title "Gaming,"

Highways in general.

Highways in
general.

To justify a surveyor of highways in taking down a
statute 3 & 6 Will. IV. c. 50. s. 69, two things must
fence must be within fifteen feet of the centre of the
must be on the road. (*Beane v. Oakley*, 1 Cor. & K.

A road was nine feet wide; and there being a piece
at the side of it, also nine feet wide, which land was so
that no carriage ever did or could go over it, the owner
field took this land into his field, and put a fence round
of the highways took down the fence:—Held, that he w
so doing, under the 69th section of the Highway Ac
c. 50, as the fence was not on the road. (*Id.*)

On the trial of an indictment for the non-repair of
of the parish, rendered from the parish chest which

edings taken against the inhabitants of a parish for non-highway, where an indictment is ordered, and tried under section 5 of the 5 & 6 Will. IV. c. 50, the latter section provides, "that of such prosecution shall be directed by the judge of the division in which the said indictment is tried, to be paid out of the rate made in pursuance of that act, in the parish in which such highway stands." At the March assizes, 1842, an indictment was tried against the inhabitants of a parish, who were found guilty, and a sum, upon application to the judge, for the costs of the trial, the following words: "It is ordered, &c., that the costs of the trial be paid out of the rate made and levied, or to be made in pursuance of the 5 & 6 Will. IV. c. 50, in the said parish of," by the judge. The amount of the costs was not ascertained at the assizes. At subsequent assizes for the same county, applications were made to different judges to ascertain the amount, and order the same. The application was also made at chambers to the judge who had tried the case, but they declined to do so; and at the summer assizes (the indictment having been respited from time to time,) the judge, upon proof that the road had been well repaired, passed a sum upon the defendants, and discharged their recognizances to appear. In Hilary Term, 1844, a rule nisi was obtained for leave to sue the surveyor of the highways of that parish, commanding him to pay to the prosecutor the costs of the prosecution of the indictment, without mentioning any sum. The court refused to interfere, and issued the rule. (*Reg. on pros. of Bullock v. Clark*, 13 Law J., N. S., 15.)

made by magistrates at special sessions under 5 & 6 Will. IV. c. 95, for the indictment of a highway, it should distinctly appear that such highway is within the division for which such special sessions are held, and if that does not appear the subsequent proceedings at such sessions are void, though it may appear on the face of them that the highway may have been within their jurisdiction. (*Reg. v. Martin*, 13 Law J., N. S., 15.)

In the direction of justices, pursuant to s. 95 of 5 & 6 Will. IV. c. 95, of indictment is preferred for non-repair of a road, the

the only persons to ascertain and settle the amount of
(*Peters v. Clarkson*, 13 Law J., N. S., M. C. 153.)

And the surveyor is not bound to have the amount
settained within twenty-one days of his committing the

The words "usually rated" to the highways in s.
s. 27, must be construed to mean such as have been
rated in the parish for which the rate is made. A
right in inquiring only whether such woods were in
fact, at the time of the passing of that statute, in
woods were "rateable," or whether they were in
parishes. (*R. v. Rose*, 13 Law J., N. S., M. C. 155.)

Horses and Slaughterhouses

Horses.

As to bets, &c. on horse-races, see the statutes in
"Gaming."

7 & 8 Vict. c. 87. Slaughtering of.

By the 7 & 8 Vict. c. 87, intituled "An Act to ame
lating Places kept for slaughtering Horses," [9th Au
that by an act passed in the twenty-sixth year of the
king George the Third, and also by an act passed in
reign of his late majesty king William the Fourth, |
for the regulation and inspection of houses and places
of slaughtering horses: and that it is expedient
vision for the better and more effectual regulation and
houses and places; it is therefore enacted, "That ever
after the passing of this act be granted under or by
of the twenty-sixth year of king George the Third,
son to keep or use any house or place for the purpos
killing any horses or other cattle (not killed for butch
granted, and shall continue in force, for a period not
from the date at which the same was granted, determ
provided: Provided nevertheless, that in the case of the
licence to any person to whom any such licence may
granted as aforesaid it shall not be necessary for
tain or produce to the justices at such general que
peace a certificate under the hands and seals of th
~~.....~~

New licences to be annual.

has been guilty of any breach or violation of the said two inbefore recited acts or either of them, or of this act, or any thereof respectively, to cancel and wholly put an end to any ence which may have been granted to the person or persons d against, and from thenceforth the same shall be of no force

7 & 8 Vict. c. 87.

Horses and Slaughter Houses.

'That if any such licensed or other person shall wantonly eat, ill-treat, abuse, wound, or torture any horse or other house, pound, stable, or other place in the occupation or licensed person, every such person shall for every such conviction thereof, forfeit and pay a sum of money not ex-

Persons wantonly or cruelly ill-treating any horse to be liable to penalty.

That it shall be lawful for any constable from time to time, as he shall think fit, at all reasonable times in the day-time, of this act, either alone or accompanied by any inspector to be appointed under the first-recited act, to enter upon and spect all and every the houses, stables, sheds, yards, grounds, s for the keeping of which any such license shall have been foresaid, and also to inspect or take an account of all or any of other cattle which shall from time to time be found upon such any part thereof.'

That in case any person to whom any such license shall be foresaid, or any other person, shall at any time or in any ruct, hinder, molest, or assault any such inspector whilst in of his duty, or the exercise of his power or authority under of the said first-recited act or of this act, every such offender y such offence, on conviction thereof forfeit and pay such a ey, not exceeding 10*l.*, as any two or more justices before offender shall be brought shall deem fit."

That in case any such inspector shall at any time be guilty of or violation of the duty required of him by law, then and in ase such inspector shall, upon conviction, forfeit and pay for ffence, a sum of money not exceeding 10*l.*"

That all offences against this act, or any of the provisions and may be heard and determined before and by any two or

Penalty for in-spector neglecting his duty.

of the peace for the county within which the offence shall mitted; and all penalties and forfeitures incurred thereby shall and may be recoverable, with costs, before and awarded justices, and shall be applied as follows; namely, such part s shall think fit to the person who shall inform and prosecute , and the remainder thereof to the sheriff or other proper county in which such conviction shall take place, for her e, and shall be returned to the court of quarter sessions, provisions of an act passed in the third year of his late majesty the Fourth, intituled 'An Act for the more speedy Return 3 Geo. IV. c. 46. of Fines, Penalties, and Forfeitures and Recognizances es- l in case of non-payment of any such penalty or forfeiture it shall and may be lawful for such justices forthwith to offender to the common gaol or prison within the jurisdic- justices for any time not exceeding one calendar month, as ces shall seem meet."

*Offences may be heard by two justices.**Penalties, how to be recovered and applied.*

That the prosecution of every offence punishable under this commenced within three calendar months next after the of the offence, and not otherwise; and the evidence of the ining shall be admitted in proof of the offence."

Limitation as to summary pro- ceedings.

That any person who shall think himself aggrieved by any ler or conviction made by any justice or justices of the the authority of this act, may appeal to the justices of the next general or quarter sessions of the peace to be holden y wherein the cause of complaint shall have arisen, provided son at the time of the order or conviction, or within forty-

Appeal to quarter sessions.

in England ;' and in case the appeal shall be dismissed conviction affirmed, the reasonable expences of all suching as aforesaid, to be ascertained by the court, shall treasurer of the county by appellant."

Meaning of certain words used in this act.

Sect. 10. "That the words hereinafter mentioned, w signification have a more restricted or different meaning (except where the nature of the provisions or the context exclude such construction) be interpreted as follows : word 'county' shall include city, town, borough, ci liberty, or division ; the word 'horse' shall include m pony, colt, or filly ; the word 'cattle' shall include b heifer, calf, ass, sheep, lamb, goat, pig, or any other do word 'constable' shall include headborough, peace officer ; and every word importing the singular number and be applied to several persons and things as well as thing ; and every word importing the masculine gender to a female as well as a male."

Inferior Courts.

7 Vict. c. 19.

Bailiffs to be appointed by the judge of the court.

By the 7 Vict. c. 19, intituled "An Act for regulating Inferior Courts," [6th June, 1844,] reciting, "That ex and for sundry counties, hundreds, and wapentakes, and other lordships, liberties, and franchises, having i ter jurisdiction for the recovery of debts and dan actions, and in many places great extortion is practised the process of such courts :" for remedy thereof, it is the judge of every such court shall have power to a number of proper and responsible persons to act as court, and in the execution of the process thereof, dismiss any such bailiff for misconduct, and no one shall be qualified to be re-appointed ; and the bailiffs appointed, and no other persons, save as hereinafter men all summonses, and execute all orders, warrants, pr other processes issued out of the said court ; and a] name and place of abode of every such bailiff shall be

or payment of all monies received by him in the execution of his Inferior Courts.

L. 3. "That every bailiff authorized to execute the process of any court who shall wilfully and corruptly exact, take, or accept any fee and whatsoever other than and except such fees as shall be allowed and declared by order of the court, which shall be put up in some convenient place in the court, shall, upon proof thereof before the said court be for ever incapable of serving or being employed in any office or emolument of the said court."

7 Vict. c. 19.

Bailiffs taking fees other than those allowed to be discharged.

L. 4. "That if any bailiff acting under colour or pretence of the process of any such court shall be guilty of extortion or misconduct, or shall not duly pay or account for any money levied under process of the court, it shall be lawful for the judge to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties, and to make such order thereupon for the payment of any money extorted, or for the due payment of any money so aforesaid, and for the payment of such damages and costs to the parties aggrieved, as he shall think just; and in default of payment of money so ordered to be paid within the time specified for the payment thereof it shall be lawful for the judge of the said court, by his or her hand and seal, to cause such sum to be levied by distress and sale of the goods of the offender, together with the reasonable charges of such distress and sale, and in default of such distress to commit the offender to the county gaol or house of correction for any time not exceeding one calendar month."

Remedies against officers of the court guilty of extortion or misconduct.

L. 5. "That for every such court a seal shall be made under the hand of the judge of such court, and that all summonses and other process issuing out of the said court shall be sealed or stamped with the seal; and every person who shall forge the seal or any process of the court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons or process of the said court, knowing the same to be false, or who shall affect or profess to act under or by the authority of such summons or process, knowing the same to be false, or who shall take upon himself as a bailiff of any such court without lawful authority, shall be guilty of felony."

Persons forging process, &c. guilty of felony.

L. 6. "That no goods which shall be taken in execution under any process of any such court shall be sold until the end of three days after the day on which such goods shall have been so taken, unless such goods be of a perishable nature, or upon request in writing under the hand of the party whose goods shall have been taken; and until such sale the goods so taken shall be in the custody of the bailiff to whom the warrant of execution shall have been directed."

Sale not to be till three days after execution.

L. 7. "That if any bailiff of any such court shall be assaulted during the execution of his duty, or if any rescue shall be made or attempted to be made of any person or goods taken or levied under process of any such court, the person offending therein, on conviction before any two justices of the peace, shall be imprisoned without hard labour in the common gaol or house of correction for a term not exceeding three calendar months, or shall forfeit and pay a fine not exceeding 5l. as may be set upon him by the said justices of the peace; and every such fine, with the cost of conviction, in case of non-payment thereof, shall be levied by distress and sale of the goods of the offender."

Penalty for assaulting bailiffs, or rescuing persons or goods taken in execution.

L. 8. "That all actions and prosecutions to be commenced against a bailiff of any such court for any thing done in pursuance of his process, or for such grievance, misfeazance, or nonfeazance as aforesaid, shall be laid and tried in the county where the offence was committed, and shall be commenced within three calendar months after

Limitation of actions, &c.

Inferior Courts. the fact committed, and not afterwards or otherwise; and noticing of such action or prosecution, and of the cause thereof, given to the defendant one calendar month at least before the commencement of such action or prosecution ; and no plaintiff shall recover such action if tender of sufficient amends, in the opinion of the judge, shall try such action, shall have been made before action brought after action brought a sufficient sum of money, in the opinion of the judge as aforesaid, with costs, shall have been paid into court in satisfaction of such action."

Meaning of "judge"

Sect. 9. "That in this act the word 'judge' shall be construed to mean the county clerk, under sheriff, steward, or other person before whom any such court shall be holden."

Jurors

By the 7 & 8 Vict. c. 101, the expences of jury-lists are to be paid out of the poor-rates of the parish.

Jurors.

Justices of the Peace.

By the 6 & 7 Vict. c. 101, s. 24, justices who reside in extra places or parishes within unions, are to be *ex officio* guardians.

By sect. 11, justices' clerks are annually to make a return of monies, and orders, &c., relative to bastards, to the clerk of (See *ante*, Addenda, title "Bastards.")

Lotteries.

Maintenance.

See ante, Addenda to "Gaming."

As to art-unions. (See *ante, Addenda, title "Art-Unions."*)

Maintenance.

By indenture made in 1827, between R. P. and his eldest son reciting that R. P. P. of C., was seised of large real estates when married, and was then in a state of mental and bodily imbecility, the event of his dying so seised, intestate and without issue, his heir-at-law would be entitled to the reversion of his estates; R. P. was desirous of having a commission of lunacy sued for the protection of R. P. P. and his property, and also of his own; and that D. P., at R. P.'s request, agreed to sue out and prosecute the commission and take other necessary law proceedings at his own expense in R. P.'s name; R. P., in consideration of the agreement and affection for D. P., covenanted to convey all the estates which descend to him on the decease of R. P. P. to the use of his son, remainder to the uses expressed respecting the estate of R. P. by marriage settlement, being for the benefit of D. P. and the wife during the marriage. The commission was accordingly issued; R. P. was declared a lunatic, and D. P. was reimbursed for his expenses in the prosecution of the case. R. P. was then sixty-three years of age; the lunatic D. P. was younger. The lunatic died in 1829, and R. P. entered into possession of his real estates, and conveyed them to his son, R. H. P., for valuable consideration. On a bill filed by D. P. for specific performance of that conveyance, and for specific performance of the covenant in his answer, said he entered into it without legal advice, and under imposition, and misrepresentation on the part of D. P. It was

case that both parties employed the solicitor who prepared the indenture
—Held, that the agreement to sue out the commission was not void
legal for champerty or maintenance, or as against public policy, or
on the jurisdiction in lunacy, or want of mutuality. Regard being
had to the ages and relative situation of the parties, and to the benefits
had by the issuing of the commission, there was some, and not very
grave consideration for the covenant. (*Persse v. Persse*, 7 Cl. &
79.)

Mandamus.

the 6 & 7 Vict. c. 67, intituled "An Act to enable Parties to sue 6 & 7 Vict. c. 67.
and Prosecute Writs of Error in certain Cases upon the Proceedings
writs of Mandamus," [22nd August, 1843,] reciting, that writs of
Mandamus are issued by her majesty's court of Queen's Bench and the
courts of the counties palatine, and the application for the same must
be made in those courts respectively alone: and that writs of mandamus are frequently awarded, and often in cases of considerable importance:
and the practice of issuing such writs hath of late very much increased: and that it is expedient that parties interested in the issuing
of the proceedings upon such writs respectively shall be enabled in
cases to have the judgments and decisions of the said court of Queen's Bench, and courts of the counties palatine respectively, in review
of the said writs and of the proceedings thereon, reviewed by a court of error, if they shall so think fit, and that a certain mode of
reviewing the same shall be ordained and established: and that by the 20th c. 20, it was enacted, amongst other things, that in certain cases
mentioned, when a writ of mandamus should issue and a return
be made thereunto, it should be lawful for the person suing or prosecuting
such writ to plead to or traverse all or any of the material
contained within the said return to which the person making such
return should reply, take issue, or demur, and such further proceedings
in such manner should be had therein for the determination thereof as
should have been had if the person suing such writ had brought his action
in case for a false return: and that by the 1 Will. IV. c. 21, the said
section hereinbefore mentioned of the said herein first-recited act was
extended to writs of mandamus in all other cases, and to the proceedings
thereon: and that in neither of the said recited acts, nor in any other
was any power or authority given to the person prosecuting such writ
to require the person sued to demur to the return made to any such writ, so that the
said person might be reviewed by a court of error; for remedy whereof, therefore, it is
ordained, "That in all cases in which the person prosecuting any such writ
heretofore issued or hereafter to be issued shall wish or intend to
have the validity of any return already made or hereafter to be made
to the same, he shall do so by way of demurrer to the same, in such and
in such manner as is now practised and used in the courts hereinbefore
practiced respectively in personal actions; and thereupon the said writ
shall be returned and the said demurrer shall be entered upon record in the said
courts respectively, and such and the like further proceedings shall be
had upon them as upon a demurrer to pleadings in personal
actions in the said courts respectively; and the said courts respectively
thereupon shall adjudge either that the said return is valid in law, or that
it is not valid in law, or that the writ of mandamus is not valid in law;
and if they adjudge that the said writ is valid in law, but that the return
is not valid in law, then and in every such case they shall also by
their judgment award that a peremptory mandamus shall issue in
their behalf, and thereupon such peremptory writ of mandamus may be sued
and issued accordingly, at any time after four days from the signing

In order to object
to a return to a
mandamus the
prosecutor must
demur.

Proceedings
thereupon.

Mandamus.

6 & 7 Vict. c. 67.

Writ of error upon
the judgment.

of the said judgment; and it shall be lawful for the said respectively, and they are hereby required, in and by their said to award costs to be paid to the party in whose favour they shall decide by the other party or parties."

Sect. 2. "That whenever any such judgment as is hereinbefore mentioned shall be given, or whenever issue in fact or in law shall be made upon any pleadings in pursuance of the said recited acts or either and judgment shall be given thereon by any of the courts aforesaid be lawful for any party to the record in any of such cases, who himself aggrieved by such judgment, to sue out and prosecute a writ of error for the purpose of reversing the same, in such manner as a court or courts as a party to any personal action in the said court or courts shall sue out and prosecute a writ of error upon the judgment in such manner and such and the like proceedings shall thereupon be had and such costs awarded, as in ordinary cases of writs of error upon the said courts respectively in personal actions; and if the judgment of such court be reversed by the court of error, the said court shall thereupon by their judgment not only reverse the same but also in addition thereto give the same judgment which the original judgment is so reversed ought to have given in that behalf; and their said judgment they shall award that a peremptory writ of error shall issue, the same shall and may accordingly be issued by an officer in the office from which such writs issue, as the case may require, production to him of an office copy of the said judgment of error, which shall be his authority and warrant for so doing; always, that bail in error to the amount of 50*l.*, or such sum as may by any rule of practice be appointed as hereinafter provided, be put in within four days after the allowance of the said writ; and the same shall afterwards be duly perfected according to the rules of the court wherein the said original judgment was given, and the plaintiff in error shall be deemed to have abandoned his writ if the same shall not be further prosecuted."

Peremptory writ
of mandamus.

Sect. 3. "That no action, suit, or any other proceeding shall be commenced or prosecuted against any person or persons whatsoever reason of any thing done in obedience to any peremptory writ of mandamus issued by any court having authority to issue writs of error."

Court of error
may make rules.

Sect. 4. "That the said courts of error who are hereby enabled to take cognizance of the matters aforesaid may make, and the same be directed to make, from time to time, and as often as they shall see fit, such rules of practice in reference to the said application of the said proceedings thereon, and in reference to the writs of error mentioned and the proceedings thereon, and the amount to be taken, as the said courts respectively may deem necessary, according to the intention of this act in relation to the same respectively."

Marriage.

7 & 8 Vict. c. 56.

By the 7 & 8 Vict. c. 56, "An Act concerning Banns and certain District Churches or Chapels," [29th July, 1844,] after an act was passed in the fifty-ninth year of the reign of King William the Third, intituled "An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting of additional Churches in populous Parishes;" and that another act was passed in the second year of the reign of his late majesty, intituled "An Act to amend and render more effectual an Act passed in the Eighth Years of the Reign of His late Majesty, intituled 'An Act for building and promoting the building of additional Churches in populous parishes:'" and that another act was passed in the first year of the reign of her present majesty, intituled "An Act to amend and render more effectual the Church Building Acts;" and that another

1 & 2 Will. IV.
c. 38.

1 & 2 Vict. c. 107.

and marriages solemnized in any such church or chapel afore-

that when and so soon as it shall be determined that banns may be published and marriages solemnized in any such chapel, the bishop of the diocese within which such church or is locally situated, whether in any parish or extra-parochial wise, shall certify the same, and such certificate shall be kept the church or chapel with the books of registry thereof, and shall be entered in the books of the registry of banns and a duplicate of such certificate shall be registered in the diocese, and such certificate shall be deemed and taken to be evidence in all courts, and in all questions relating to any banns marriages solemnized in any such church or chapel, that the according to law respectively be published and solemnized in r chapel, and that all banns published and marriages solemnized such church or chapel according to the laws and canons in his realm in that behalf shall after the granting of such cer- d to all intents and purposes whatsoever : Provided always, or marriages respectively published or solemnized according and canons in force within the realm in that behalf in any pel in which the same are authorized to be respectively pub- ized, and had by the said recited acts or this act, or either of invalid by reason of any such certificate, not having been registered or entered, as hereinbefore required : provided fees, dues, offerings, and other emoluments on account of a, whether of right or custom, belonging to the incumbent parish, chapelry, or place in which such church or chapel ed, shall be received by or for or on account of such incum- respectively, and be paid over to them, except such of the i, offerings, or other emoluments, or such portions thereof, mmissioners, with the consent of the bishop of the diocese, d the said incumbent respectively, in those cases which shall the said commissioners by order made under their common shop of the diocese alone, with the consent of the patron t, in all other cases, by order under his hand and seal, shall minister of such church or chapel . and every such instru-

Proceedings in
cases where it
shall be deter-
mined that banns
may be published
and marriages so-
lemnized.

How fees to be
disposed of.

Marriage.

6 & 7 Vict. c. 56.

Omissions to authorize marriages in chapels may be cured by supplemental order.

In any representation to the queen in council, &c. the number of the section of the act under which such representation, &c. is made need only be recited.

Every order in council under the church building acts to be inserted in the *London Gazette*, and registered with a map and description of boundaries, but the map not required to be enrolled in chancery.

3 & 4 Vict. c. 113.

Not to affect 6 & 7 Will. IV. c. xv,
as to licensing
churches, &c. for
solemnization of
marriages.

already solemnized, in such chapels as aforesaid, shall not be questioned on account of the said banns having been published; said marriages solemnized, in any such chapel as aforesaid, by minister or ministers who solemnized the same shall not be liable to ecclesiastical censure, or to any other proceedings or penalties whatsoever by reason thereof; and the registers of all marriages so solemnized, aforesaid, or copies of such registers, shall be received in all courts and equity as evidence of such marriages respectively."

Sect. 4. "That where a chapelry has been already or shall be assigned to any chapel under the provisions of the hereinbefore-mentioned act passed in the fifty-ninth year of the reign of king George and the order in council assigning such chapelry does not permit marriage may be performed in such chapels, it shall be law in majesty, by any supplemental order in council, on a representation made to her by the said commissioners, with the consent of the bishop of the diocese, to order that marriages may be performed in such chapels and that all the fees arising therefrom, or a proportion thereof, should thereafter belong and be paid to the minister of such chapel or after the next avoidance of the parish church, or that a portion of such fees should belong and be paid to the incumbent of the parish church; and all the laws in force relating to banns, marriage, and marriages in district chapels, and the registers shall apply to marriages performed under such supplemental order in council."

Sect. 5. "That in any representation to her majesty in council or order of council to be made thereon, or in any other matter or under their common seal by the said commissioners under the hereinbefore recited acts or any other act of parliament sufficient to refer to the section or sections as numbered in copy by the queen's printer of the act or acts under the authority of representation or order in council is made, or such matter or and it shall not be necessary to recite any of the provisions of or sections."

Sect. 6. "That every order in council under the provisions herein-before recited acts or any of them, or under the provisions of the Church Building Acts, shall, as soon as may be, making thereof by her majesty in council, be inserted and published in the *London Gazette* in like manner as any order in council; the acts regulating the proceedings of the ecclesiastical commissioners of England is published in such *Gazette*, and it shall not be enrol in the court of Chancery any map or plan or description of the boundaries of any division or district formed under the provisions hereinbefore recited acts, or any other of the church building acts, and a map or plan on which shall be marked such boundaries shall be sealed with the common seal of the said commissioners for building new churches, and the order in council annexed to this act passed in the fourth year of the reign of her present royal Highness Queen Anne, intituled 'An Act to carry into effect, with certain Modifications, the Report of the Commissioners of Ecclesiastical Duties and Revenues' shall be subject to such and the like provisions in all respects thereto as are contained in the same act: Provided always, that in this act contained shall be taken to repeal or affect any of the provisions contained in an act of parliament passed in the seventh year of his late majesty, intituled 'An Act for Marriages for licensing any Churches or Chapels for the Solemnization therein'."

controverted elections of members to serve in parliament: it is
at the 9 Geo. IV. c. 22, intituled, 'An Act to consolidate
the Laws relating to the Trial of controverted Elections or
members to serve in Parliament,' and also so much of the 42
Geo. III. c. 14, as requires the parties appear-
y select committee to interchange before the said committee
the names of voters to which either of the parties pur-
tends to object, and statements in writing respecting the
either of the said parties mean to insist upon, contend for,
or as provides that no witness shall be called or examined
not specified in such lists or statements, shall be repealed,
anything done under either of the said acts; but this enact-
ment revive any act, or part of any act, repealed by the firstly.

Repeal of 9 Geo.
IV. c. 22, and Part
of 42 Geo. III. c.
14, and 47 Geo.
III. c. 14.

That every petition which shall be presented to the House of
thin such time as shall be from time to time limited by the
ining of an undue election or return of a member or mem-
in parliament, or complaining that no return has been made
sued for the election of any member or members to serve in
or before the day on which such writ is made returnable,
t be issued during any session or prorogation of parliament,
n has been made to the same within fifty-two days after the
such writ bears date, or that any return is not according to
m of the writ, or complaining of the special matters con-
such return, shall be deemed an election petition; but no
ion shall be received by the house unless at the time it is
shall be subscribed by some person claiming therein to have
to vote at the election to which the same shall relate, or to
ght to be returned or elected therat, or alleging himself to
andidate at the election."

What shall be
deemed election
petitions.

That before any election petition shall be presented to the
ron or persons subscribing the same, or some one or more be entered into by
ll personally enter into a recognisance to our sovereign lady ^{Recognisances to}
scording to the form given in the schedule (A.) to this act an-
he sum of 1,000*l.*, with one, two, three, or four sufficient
~~-- in the same recognisance or in separate recognisances for~~

Parliament. the same person by whom his recognizance shall be taken, seised or possessed of real or personal estate (or both), above satisfy his debts, of the clear value of the sum for which I bound by his said recognizance, and every such affidavit annexed to the recognizance ; and that in every such recognizance mentioned the name and usual place of residence of the proposed to become sureties as aforesaid, with such other description proposed sureties as may be sufficient to identify them easily.

Examiner of recognizances to be appointed.

Provision for temporary disability of examiner.

How recognizances are to be entered into.

**Option of paying
money into the
bank instead of
finding security.**

Declaration of trust.

Where money has been paid into the bank, the examiner of recognizances to order payment of expences, and transfer the residue to the account of the party.

No petition to be received unless endorsed by the examiner of recognisances.

**Names of sureties
to be kept in the
office of the ex-**

the same person by whom his recognizance shall be taken, seised or possessed of real or personal estate (or both), above satisfy his debts, of the clear value of the sum for which I bound by his said recognizance, and every such affidavit annexed to the recognizance; and that in every such recognizance mentioned the name and usual place of residence of the proposed to become sureties as aforesaid, with such other description of proposed sureties as may be sufficient to identify them easily.

Sect. 5. "That the speaker of the House of Commons shall fit person to be examiner of recognizances; and every person shall hold his office during the pleasure of the speaker, and shall perform the duties of his office conformably to such directions as he from time to time receive from the speaker."

Sect. 6. "That in case of the illness, temporary disability, or absence of the examiner of recognizances, the speaker shall appoint a fit person to perform the duties of examiner of recognizances during such illness, disability or absence; and throughout this act the expression 'examiner of recognizances' shall be deemed to include the person so appointed and for the time being performing the duties."

Sect. 7. "That every recognizance hereinbefore required shall be entered into, and every affidavit hereinbefore required shall be before the examiner of recognizances or one of her majesty's justices of the peace; and the said examiner, and also every justice of the peace, is hereby empowered to take the same; and every such recognizance or affidavit which shall be taken before a justice, being duly certified by him, shall be delivered to the examiner of recognizances."

Sect. 8 provides and enacts, "That it shall be lawful for by whom the said petition shall be signed, instead of entering recognizance for the full amount of the sums hereinbefore pay into the bank of England, on the account of the examinanzances as trustee for the like purposes for which the recognizances hereinbefore required, any amount of money which he shall a sum or sums not less than 250*l.* each; and in such case the whom the petition shall be signed shall still be required to enter personal recognizance for the sum of 1,000*l.* but shall be required a surety or sureties as aforesaid for so much only of the amount of 1,000*l.* as the sum paid into the bank shall fall short of 1,000*l.*; and no money shall be deemed for the purposes of to be paid into the bank of England until a bank receipt for the same be procured and delivered to the examiner of recognizances.

Sect. 9. "That in every case in which payment of any money shall have been made into the bank of England the recognizances shall be bound, in the first place, and in a payment as he in his discretion shall think fit, to satisfy out money all the costs and expences for securing payment of investment was made, or so much thereof as can be there and thereafter to transfer the residue (if any), wholly discharged said trust, to the account of the party by whom the same shall be paid in."

Sect. 10. "That no election petition shall be received until time it is presented to the house, it shall be endorsed by a certificate of the examiner of recognizances, that the recognizance before required has been entered into and received by him affidavits thereunto annexed; and, if the recognizance shall not be taken for the whole amount, that the necessary amount of money be paid into the bank of England as hereinbefore required.

Sect. 11. "That on or before the day when any such petition presented to the house the names and usual places of residence, when there are sureties, shall be entered in a book to

aminer of recognizances in his office ; and the said book, and also *Parliament.*
cognizance and affidavits and bank receipt for any money paid into
nk of England, if any, shall be open to the inspection of all parties
med."

6 & 7 Vict. c. 103.

aminer of recogni-
zances, and to be
open to inspec-
tion.

§. 12. " That it shall be lawful for any sitting member petitioned
it, or for any electors petitioning and admitted parties to defend the
on or return, to object to the sureties, or any of them, who shall
entered into such recognizance, on the ground of insufficiency, or
surety is dead, or that he cannot be found or ascertained from the
of a sufficient description in the recognizance, or that a person
in the recognizance has not acknowledged the same ; provided
the ground or objection shall be stated in writing under the hand of
objecting party, or his or their agent, and shall be delivered to the
aminer of recognizances within ten days, or not later than twelve of the
noon of the eleventh day, after the presentation of the petition,
surety objected to reside in England, or within fourteen days, or
than twelve of the clock at noon of the fifteenth day, after the
ation of the petition, if the surety objected to reside in Scotland or
nd : Provided also, that if either such eleventh or such fifteenth day
happen to be a Sunday, Good Friday, or Christmas Day, it shall be
that if such notice of objection be delivered to the examiner of
nances not later than twelve of the clock at noon of the following

§. 13. " That as soon as any such statement of objection shall be
ed by the examiner of recognizances he shall put up an acknow-
t thereof in some conspicuous part of his office, and shall appoint
for hearing such objections not less than three and not more than
ys from the day on which he shall have received such statement ;
e petitioner or petitioners, and his or their agent, shall be allowed
nine and take copies of every such objection."

Notice of objec-
tions to be pub-
lished in the office
of the examiner,
and copies may
be taken.

§. 14. " That at the time appointed the examiner of recognizances
squire into the alleged insufficiency of the surety or sureties ob-
to on the grounds stated in the notice of objection, but not on any
ground ; and for the purpose of such inquiry the examiner of recog-
es is hereby authorized to examine upon oath any persons who may
dered by either party for examination by him, and also to receive
lence any affidavit relating to the matter in dispute before him
shall be sworn before him, or before any master of the high court
ncery, or justice of the peace, each of whom is hereby authorized
and certify such affidavit ; and the examiner of recognizances shall
lower, if he shall think fit, to adjourn the said inquiry from time to
ntil he shall decide on the validity of such objection, and, if he shall
fit, to award costs to be paid by either party to the other, which
shall be taxed and recovered as hereinafter provided for the costs
rpences of prosecuting or opposing election petitions ; and the de-
of the examiner of recognizances shall be final and conclusive
at all parties."

Examiner of re-
cognizances to
decide on the ob-
jections.

§. 15. " That if any surety shall die, and his death shall be stated
ground of objection before the end of the time allowed for objecting
sureties, it shall be lawful for the petitioner to pay into the bank of
land, on the account of the examiner of recognizances, the sum for which
deceased surety was bound ; and upon the delivery of a bank receipt
such sum to the examiner of recognizances, within three days after the
on which the statement of such objection shall have been delivered
e examiner of recognizances, the sureties shall be deemed unobjectionable
if no ground of objection shall be stated to any other of the sureties
within the time before mentioned for stating objections to sureties."

In case of death
of a surety, the
money may be
paid into the
bank.

§. 16. " That in case the examiner of recognizances shall have re-
ed any statement of objection to the sureties or any of them to any
election petition, and shall have decided that such sureties or any of
are objectionable, he shall forthwith report to the speaker that such

Examiner of re-
cognizances to
report whether or
not sureties are
objectionable.

giving notice in writing under his hand or their hands, of his or their agent, to the speaker, and also to the returning officer, and also to any party who may have been a subscriber to the prayer of such petition, that it is not intended to oppose the election; and in such case the petitioner or petitioners shall be liable to payment of such costs and expences as may have been incurred by the member, and also by any party who may have been a subscriber to the prayer of such petition, to be taxed as hereinafter provided.

Procedures when
the seat becomes
vacant, or the sit-
ting member or de-
fines to defend his return

Sect. 18. "That if at any time before the appointment of the committee to try any such petition as hereinbefore provided, the House of Commons shall be informed, by a certificate subscribed by two of the members of the said house, of the death or of the election or return is complained of in such petition, or of the death of any member returned upon a dissolution has been issued under the great seal of Great Britain, or if any such member to parliament as a peer of Great Britain, the House of Commons shall have resolved that the seat of any law become vacant, or if the House of Commons shall make a declaration in writing subscribed by any such member, the speaker within fourteen days after the day on which such notice shall have been presented, that it is not the intention to defend his election or return, in every such case notice immediately be sent by the speaker to the general election committee and to the members of the chairmen's panel hereinbefore mentioned, also to the sheriff or other returning officer for the county or district, or burghs, port or place, to which such petition relates, such sheriff or other returning officer shall cause a notice to be affixed on or near the door of the county or parish church nearest to the place where such election has been held; and such notice shall also be inserted, by command of the speaker, in one of the next two *London Gazettes*, and shall be sent by him to the house."

Voters may be-
come a party to
oppose the peti-
tion.

Sect. 19. "That at any time within fourteen days after the day on which any election petition shall have been presented, or one days after the day on which any notice shall have been sent by the speaker to the general election committee, to the *London Gazette*, to the effect that the seat is vacant, or that the member will not defend his election or return, or if such notice is

committee of elections shall at any Cases in which
a that, by reason of the continued the general com-
vers, or by reason of irreconcilable mittee shall be
mittee is unable to proceed in the dissolved.
; House of Commons shall resolve
be dissolved, the general committee

to supply a vacancy in the general How vacancies
of the general committee after the shall be supplied,
the speaker, by warrant under his and re-appoint-
ments made.

me may be afterwards entered on the journals, and the opinion of house shall then be taken thereon ; and if the house shall resolve he said member ought to be excused, he shall be excused from serving on election committees for such time as to the house shall seem fit no member shall be so excused who shall not claim to be excused to be chosen to serve as hereinafter provided ; and every member who shall have served on one select committee for trying an election petition, and who, within seven days after such committee shall have made its final report to the house, shall notify to the clerk of the general committee his claim to be excused from so serving again, shall be deemed during the remainder of the session, unless the house shall otherwise resolve, upon the report of the general committee, that the number of members who have not so served is insufficient ; but no member shall be deemed to have served on an election committee who, by reason of inability or accident, shall have been excused from attending throughout."

¶ 37. "That every member whose return shall not have been admitted for a time exceeding that allowed for questioning the returns of members, or who shall be a petitioner complaining of an undue election return, or against whose return a petition shall be then depending, shall be disqualified to serve on election committees during the continuation of such ground of disqualification ; and every member of any select committee appointed to try an election petition shall be disqualified to serve on an election committee during seven days after the final adjournment of the committee on which he so served."

¶ 38. "That the clerk of the House of Commons shall make out an alphabetical list of all the members, omitting the names of such members as shall have claimed to be wholly excused from serving on election committees as aforesaid ; and the clerk shall also distinguish in such list the name of every member who shall be for a time excused or disqualified, and shall also note in the list every cause of such temporary or permanent disqualification, and the duration thereof ; and such list shall be printed and distributed with the votes of the house, and the names of the members so omitted shall be also printed and distributed with the votes."

¶ 39. "That during three days next after the day of the distribution of such corrected list further corrections may be made in such list by the speaker, if it shall appear that any name has been improperly inserted or struck out of such list, or that there is any other error in it."

¶ 40. "That the list so finally corrected shall be referred to the general committee of elections, and the general committee shall therefrom select, in their discretion, six, eight, ten, or twelve members, whom they shall think duly qualified, to serve as chairmen of election committees, and the members so selected shall be formed into a separate panel, called the chairmen's panel, which shall be reported to the house ; while the name of any member shall be upon the chairmen's panel, he shall not be liable or qualified to serve on an election committee, otherwise than as chairman ; and every member who shall have been bound on the chairmen's panel shall be bound to continue upon it until the end of the session, or until he shall sooner cease to be a member of the house, or until, by leave of the house, he shall be discharged from serving upon the chairmen's panel : Provided always, that every member of the chairmen's panel, who shall have served on one or more election committees, and who shall notify to the clerk of the general committee of elections his claim to be discharged from continuing upon the chairmen's panel, shall be so discharged accordingly ; and every such member shall be excused from serving upon any election committee, as chairman or otherwise, during the remainder of the session : no member of the chairmen's panel shall be deemed to have served

Members temporarily disqualified from serving.

A corrected list, distinguishing the excused or disqualified members, to be printed and distributed with the votes.

List may be further corrected during three days.

Selection of members to serve as chairmen of election committees.

Parliament.

7 & 8 Vict. c. 103.

List to be divided
into five panels.

General commit-
tee to correct the
panels from time
to time.

Power to transfer
to another panel
the names of
members obtain-
ing leave of ab-
sence.

For supplying va-
cancies, and in-
creasing the chair-
men's panel.

Members upon
chairmen's panel
to make regula-
tions.

Election petitions
to be referred to
the general com-
mittee.

on an election committee who, on account of inability or acci-
have been excused from attending the same throughout."

Sect. 41. "That after the chairmen's panel shall have been so
said selected the general committee shall divide the members th-
ing on such list into five panels, in such manner as to them
most convenient, but so nevertheless that each panel may
nearly as may be the same number of members, and shall re-
house the division so made by them ; and the clerk shall decide
the table the order of the panels as settled by the general
and shall distinguish each of them by a number denoting
in which they shall have been drawn ; and the panels shall be
turned to the general committee of elections, and shall be
from which all members shall be chosen to serve on elec-
mittees."

Sect. 42. "That the general committee of elections shall
said panels from time to time by striking out of them the na-
member who shall cease to be a member of the house, or who
to time shall become entitled and shall claim as aforesaid to
excused from serving on election committees, and by insertin
the penals to be chosen by the general committee, at their dis-
name of every new member of the house who shall not be e-
claim as aforesaid to be wholly excused, and shall also from t
distinguish, in the manner aforesaid, in the said panels th-
those members who shall be for a time excused or disqualified
the reasons aforesaid ; and the general committee shall, as of
shall think fit, report to the house the panels as they shall
corrected ; and as often as the general committee of elections
the said panels to the house they shall be printed and distr
the votes of the house."

Sect. 43. "That when leave of absence for a limited time
been granted by the house to any member, it shall be law
general committee of elections to transfer the name of su-
from the panel in which it shall have been placed to some
subsequent in rotation, if they shall think fit so to do, hav-
to the length of time for which such leave of absence sha-
granted, and to the number of select committees then abou-
pointed."

Sect. 44. "That whenever any member of the chairmen's
cease to be a member of the house, or shall be, by leave of
discharged from continuing upon the chairmen's panel, or
discharged by reason of service, under the provisions herein-
tained, the general committee shall forthwith select another
be placed upon the chairmen's panel in his room ; and in ca
any time appear to the general committee that the chairmen's
small, it shall be lawful for the general committee to select t
six additional members to place upon it, so nevertheless tha
men's panel shall not at any time consist of more than eighteen
without the leave of the house first obtained."

Sect. 45. "That it shall be lawful for the members who a
chairmen's panel from time to time to make such regulations
find convenient for securing the appointment or selection of
election committees, and for distributing the duties of chair
all of them."

Sect. 46. "That all election petitions which shall be rece-
house shall be referred by the house to the general committee
for the purpose of choosing select committees, as hereinafter
try such petitions ; and the speaker shall communicate to th
the general committee every report by the examiner of recog
him concerning the sureties to any election petition ; and in e
which any election petition shall be withdrawn, or the examin-

"That the general committee of elections shall choose the Committees to be chosen for peti-
tions according to their order in the list.

to try the election petitions standing in the said list of peti-
tions in which such petitions stand in the said list, and they
me to time determine how many committees shall be chosen
for trying such petitions, and the day or days on which they
choose such committees, having regard to the number of
committees which may then be sitting for the trial of election peti-
tions the whole number of such committees then to be appointed;
all report to the house from time to time the days appointed
choosing such committees."

"That notice of the time and place at which the committee Notice to be given
chosen to try any election petition shall be published with the when any com-
mittee will be chosen.

less than fourteen days before the day on which such com-
mittee will be appointed to be chosen; and in case the conduct of the
officer is complained of, such notice shall be sent to him through
at least than fourteen days before the day on which such com-
mittee will be appointed to be chosen; and every such notice shall direct
interested to attend the general committee of elections, by them-
selves or counsel or agents, at the time and place appointed for
the select committee; and if (after any such notice shall have
been served with the votes, or sent to the returning officer as afore-
mentioned) proceedings in the matter of such petition shall become sus-
pended, notice of such suspension shall be immediately published with
and in case the conduct of the returning officer is complained
of, notice shall be sent to him through the post."

"That in case notice of the death or vacancy of the seat of Provision for case
petitioned against, or that it is not the intention of such where the sitting
member does not defend his election or return, shall have been inserted in the
order of the speaker as hereinbefore provided, and no party

and they shall publicly report the same to the next
Court of Common Pleas.

Section 11. "That the panel shall be published with the
names of the electors, and of the panel from which
the election was made, and of the persons."

Section 12. "That in all cases of a controverted elec-
tion, the serving panel shall be composed of three
members, and that such shall be chosen by themselves or the
general committee of elections, and the general committee, lists of the
electors, and in the said lists the several names
of the electors, and the names against the names of the vot-
ers, shall be set by six of the clock in the afternoon on the
day before election, or on the day of election, if such, using the committee to
make up the panel, or the general committee, and the said com-
mittee shall remain in his office, open to the ins-
pectors."

Section 13. "That the general committee shall
choose a day for electing the committee to try any ca-
uses, and so far in the panel then standing next
excessive of the chairman's panel, four members, not
less than one for any of the causes aforesaid, and
such as are qualified for being appointed on the com-
mittee, for any of the following causes; that is to
say, if the election be voided, or by reason of being
invalidated, if the seat is claimed, or related to the sitting rep-
resentative, if the seat is claimed by kindred or affinity
degree according to the canon law; and each panel
shall be granted with the panel first drawn and ex-
isting in the election in which they were drawn and not reckoned
when the said committee shall be appointed to be

Section 14. "That in case at the least four members
of the general committee of elections shall not agree in el-
ecting any person appointed for that day, the gen-
eral committee shall adjourn the choosing of that committee and of the re-
presentatives appointed to be chosen on that day to the following
day, and shall be directed to attend on the following day, or if
it shall happen during an adjournment of the house

one, then after such other parties shall have withdrawn, the parties
diance shall be again called before the general committee, in the
der in which they were directed to withdraw; and the petitioners
ng member or members, or such party as may have been admitted
and to defend the return or right of election, their counsel or
beginning on the part of the petitioners, may object to all or any
numbers chosen, or to such chairman, as being then disqualified
ed, for any of the reasons aforesaid, from serving on the com-
for the trial of that election petition, but not for any other

61. "That if at the least four members then present of the gene-
mittee shall be satisfied that any member so objected to is then
ied or excused for any of the reasons aforesaid, the parties present
again directed to withdraw, and the general committee shall pro-
choose another committee from the same panel to try that peti-
if the member to whom any such objection shall be substantiated
airman, they shall send back his name to the members on the
n's panel, and the members on the chairmen's panel shall pro-
choose another chairman to try that petition, and shall communi-
name to the general committee, and so as often as the case may
"

62. "That in the second or any following committee the general In the new com-
tee may, if they shall think fit, include all or any of the members mittee members
ly chosen by them to whom no objection shall have been sub- not before object-
ed to may be in-
cluded.

the reasons aforesaid he is disqualified or excused from committee for which he shall have been so chosen, or if I shall prove to the satisfaction of at least four members of the general committee, that there are any circumstances rendering him ineligible to serve on such select committee having regard not to his own convenience but the partial character of the tribunal, the general committee may choose a new committee to try that petition, in like manner as if a member had been objected to by any party to the petition; and if within the space of one quarter of an hour after the time of notice no member shall so appear, or if any member shall not prove his disqualification or excuse, to the satisfaction of the members then present of the general committee, they shall be taken to be appointed."

Select committee
to be reported to
the house.

Sect. 65. "That at the meeting of the House of Commons at the first session next after any such select committee the members chosen, including the chairman, shall attend and the general committee of elections shall report the names of the select committee appointed, and also report all petitions referred to them by the house to the return or election of which such select committee may try the merits, and all lists of voters which shall have been made by either party; and the members chosen to the select committee shall not depart the house till the time for the trial of the said petitions is fixed."

Members of select
committee to be
sworn.

Sect. 66. "That the five members appointed as aforesaid shall, before departing the house, be sworn by the clerk, well and truly to try the matter of the petition and to give according to the evidence to be a true judgment to give according to the evidence to be a select committee legally appointed to try and determine the return or election so referred by the house to be tried; and the member so appointed from the chairmen's panel shall be the chairman of the select committee."

Members of said
committee not
present within
one hour after the
meeting of the

Sect. 67. "That if any member of the said select committee shall not attend in his place within one hour after the meeting day appointed for swearing the said committee, or if any member shall depart the house before the said committee is sworn,

to report to the house, and the house shall be then adjourned for
than twenty-four hours, such select committee may also adjourn to
be appointed for the meeting of the house."

. 72. "That no member appointed as aforesaid to be of any such Committee-man
committee shall absent himself from the same without leave ob-
from the house, or an excuse allowed by the house at the next
thereof, for the cause of sickness, verified upon the oath of his
attendant, or for other special cause shown, and verified upon
and in every such case the member to whom such leave shall be
d or excuse allowed shall be discharged from attending, and shall
entitled again to sit or vote on the said committee; and such select Committee not to
tee shall never sit until all the members to whom such leave has
been granted, nor excuse allowed, are met; and in case all such sit until all be
met; on failure of
all meeting within
one hour, to ad-
one hour, to ad-
journ.

such select committee shall have been adjourned, a further ad-
journ.

. 73. "That every member whose absence without leave or excuse Absentees to be
is so reported shall be directed to attend the house at its next
, and shall then be ordered to be taken into the custody of the
at arms attending the house for such neglect of his duty, and
otherwise punished or censured, at the discretion of the house,
the house.

non-attendance of its members, it shall be dissolved, unless by consent

to less than three, who shall so continue for the space of days, such select committee shall be dissolved (except after provided), and another shall be appointed to manner aforesaid; and the general committee and men's panel shall meet for that purpose as soon as c after the occasion shall have arisen, at a day and hour the general committee, and notice of such meeting with the votes; and all the proceedings of such fort be void and of no effect: Provided always, that if a the committee shall consent thereto the two remain committee, or the sole remaining member if only on act, and shall thenceforward constitute the committee

Committees to be attended by a shorthand writer.

Committee em- powered to seal for and examine persons, papers, and records.

Witnesses misbe- having may be re- ported to the house, and com- mitted to the cus- tody of the ser-jeant at arms.

Sect. 76. "That every such committee shall be at skilled in the art of writing shorthand, who shall be by the clerk of the House of Commons for the time l the chairman faithfully and truly to take down the ex such committee, and from day to day, as occasion n or cause the same to be written in words at length committee."

Sect. 77. "That every such select committee shall for persons, papers, and records, and to examine any p subscribed the petition which such select committ appointed to try, unless it shall otherwise appear to : such person is an interested witness, and shall exami who come before them upon oath, which oath the c select committee is hereby empowered to administer summoned by such select committee, or by the warra the House of Commons (which warrants the speaker to issue from time to time as he shall think fit), shall mons, or if any witness before such select commit evidence, or prevaricate, or shall otherwise misbehave to give evidence, the chairman of such select commi tion, may at any time during the course of their pro same to the house for the interposition of the authori house, as the case may require, and may, by a warn directed to the serjeant at arms attending the House his deputy or deputies, commit such person (not l ~~unless on land of no man's land to the extent of one~~

~~the~~ relative thereto, the room or place in which they shall sit shall be, if they shall think proper, whilst the members of the committee ~~or thereof.~~

84. "That all questions before the committee, if for the time being Questions to be decided by a majority.
of more than one member, shall be decided by a majority of
and whenever the voices shall be equal the chairman shall have a
or casting voice."

85. "That whenever the select committee shall be divided upon Names of mem-
bers voting for or
against any reso-
lution to be re-
ported to the
house.
mention the names of the members voting in the affirmative and in
negative shall be entered in the minutes of the said committee, and
reported to the house, with the questions on which such divisions
at the same time with the final report of the committee; and no
member of the committee shall be allowed to refrain from voting on any
question on which the committee shall be divided."

86. "That whenever it shall happen that parliament shall be pro- Committees to be appointed for pe-
titions standing
over on a pro-
ration of parlia-
ment.
cessed after any petition complaining of an undue election or return, or
omission to return, shall have been presented, but before the ap-
pointment of a select committee to try such petition, the general com-
mittee of elections shall, within two days after their first meeting, in case
the petition shall have been then reported unobjectionable, appoint a day
for selecting a committee or committees to try the petition or
so standing over as aforesaid: Provided always, that if the number
of petitions so standing over as aforesaid shall be so great that the times
for selecting committee of elections be conveniently appointed within two
days after their first meeting, the said general committee shall, within two
days after their first meeting, appoint the times for selecting committees

Parliament.

7 & 8 Vict. c. 103.

Committees not dissolved by the prorogation of parliament.

to try such number of the said petitions as the said general shall deem convenient, and shall afterwards from time to time, conveniently may be, appoint the times for selecting the committee the remainder of such petitions."

Sect. 87. "That if the parliament shall be prorogued after the meeting of any select committee for the trial of any such petition as and before they shall have reported to the house their determination such committee shall not be dissolved by such prorogation, but thereby adjourned to twelve of the clock on the day immediately preceding that on which parliament shall meet again for the despatch (Sunday, Good Friday, and Christmas Day always excepted); proceedings of such committee, and of any commission to take issued under the authority of such committee, shall remain as to be of the same force and effect as if parliament had not prorogued; and such committee shall meet on the day and hour shall be so adjourned, and shall thenceforward continue to sit day in the manner hereinbefore provided, until they shall bring to the house their determination on the merits of such petition."

Cost when incurred by petitioners, &c.

Sect. 88. "That whenever any committee appointed to try a petition shall report to the house with respect to any such petition the same appeared to them frivolous or vexatious, the party any, who shall have appeared before the committee in opposition to such petition shall be entitled to recover from the person or persons whom, who shall have signed such petition, the full costs and expences which such party or parties shall have incurred in opposing such costs and expences to be ascertained in the manner directed."

Costs when incurred by parties opposing petitions.

Sect. 89. "That whenever such committee shall report to the house with respect to the opposition made to such petition by any parties who shall have appeared before them, that such opposition to be frivolous or vexatious, the person or persons who shall have signed such petition shall be entitled to recover from such party or any of them, with respect to whom such report shall be made, the costs and expences which such petitioner or petitioners shall have incurred in prosecuting their petition, such costs and expences to be ascertained in the manner hereinafter directed."

Costs when incurred where no party appears to oppose a petition.

Sect. 90. "That whenever no party shall have appeared before the committee in opposition to such petition, and such committee shall report to the house, with respect to the election or return, or to the objection of a return, or to the alleged insufficiency of a return, or in any such petition, that the same appeared to them to be corrupt, the person or persons who shall have signed such petition shall be entitled to recover from the sitting member or members (if any) whose election or return shall be complained of in such petition (such sitting member or sitting members not having given notice of his or their intention not to defend the same,) or from the person or persons whom the house shall have admitted or declared a party or parties to oppose such petition, the full costs and expences which such petitioner or petitioners shall have incurred in their petition, such costs and expences to be ascertained in the manner hereinafter directed."

Costs upon frivolous objections.

Sect. 91. "That if any ground of objection shall be stated by any voter in any list of votes intended to be objected to as herein provided, and if such select committee shall be of opinion that such objection was frivolous or vexatious, the said committee shall report to the House of Commons, together with their opinion on the matters relating to the said petition and the opposite party shall be entitled to recover, from the party or parties by whom on behalf any such objections were made, the full costs and expences by reason of such frivolous or vexatious objections, which a

a party entitled to receive the same; and such certificate so signed by speaker shall be conclusive evidence, as well of the amount of demands as of the title of the several parties to recover the same, in cases and for all purposes whatsoever; and the party claiming the same shall, upon payment thereof, give a receipt at the foot of certificate, which shall be a sufficient discharge for the same."

rt. 94. "That the examiner of recognizances is empowered to examine upon oath any party claiming any such costs or expences, and any monies tendered to him for examination, and to receive affidavits sworn before him, or before any master of the high court of Chancery, or any her majesty's justices of the peace, who are severally empowered to take the same, relative to such costs or expences, or the taxation or non-payment thereof."

Persons appointed to tax costs
empowered to take affidavits.

rt. 95. "That it shall be lawful for the party or parties entitled to recovery of costs, taxed costs and expences, or for his, her, or their executors or administrators, to demand the whole amount thereof, so certified as above, from any one or more of the persons herein made liable to the payment of in the several cases hereinbefore mentioned, and in case of nonpayment thereof to recover the same by action of debt in any of her majesty's courts of record at Westminster or Dublin, or in the court of session in Scotland, in which action it shall be sufficient for the plaintiff or plain-tiff to declare that the defendant or defendants is or are indebted to him or her in the sum mentioned in the said certificate; and the said plaintiff or plaintiffs shall, upon filing the said declaration, together with the certificate and affidavit of such demand as aforesaid, be at liberty to judgment as for want of plea by *nil dicit*, and take out execution for

Parliament.

7 & 8 Vict. c. 103.

the said sum so mentioned in the said certificate, together with of the said action, according to due course of law: Provided that the validity of such certificate (the handwriting of the thereunto being duly verified) shall not be called in question upon the allegation of any matter or thing anterior to thereof."

Persons paying costs may recover a proportion from other persons liable thereto.

Recognizances when to be estreated, &c.

Sect. 96. "That in every case it shall be lawful for any persons from whom the amount of such costs and expences been so recovered to recover in like manner from the other party of them (if such there shall be), who are liable to the payment same costs and expences, a proportionate share thereof, according number of persons so liable, and according to the extent of the of each person."

Sect. 97. "That if any person or persons who shall have an election petition shall neglect or refuse, for the space of after demand, to pay to any witness who shall have been sum his or their, behalf before the examiner of recognizances, or mittee, under the provisions of this act, the sums so certified said by the speaker to be due to such witness, or if such petitioners shall neglect or refuse, for the space of six months, to pay to any party who shall appear in opposition to petition the sum so certified by the speaker as aforesaid to such party for their costs or expences, and if such neglect shall, within one year after the granting of such certificate, by the speaker's satisfaction, by affidavit sworn before any master high court of Chancery, (and such master is hereby authorized after such oath, and is authorized and required to certify such affidavit in his hand,) in every such case every person who shall have entered into a recognizance relating to such petition under the provisions contained shall be held to have made default in his said recognizance into the court of Exchequer, and shall also certif person or persons have made default therein, and such certificate be conclusive evidence of such default; and the recognizance certified, shall be delivered by the clerk or one of the clerks the House of Commons into the hands of the lord chief justice of Exchequer, or of one of the barons of the Exchequer officer as shall be appointed by the court to receive the same, and have the same effect as if the same were estreated from a court and the validity thereof (the handwriting of the speaker to indicate being duly verified) shall not be called in question upon the allegation of any matter anterior to the date of such certificate."

Returning officer may be sued for neglecting to return any person duly elected.

Sect. 98. "That if any sheriff or other returning officer shall wilfully delay, neglect, or refuse duly to return any person ought to be returned to serve in parliament for any county, borough, district of burghs, port, or place within Great Britain such person may, in case it shall have been determined by a committee appointed in the manner hereinbefore directed that such person entitled to have been returned, sue the sheriff or other officer having so wilfully delayed, neglected, or refused duly to make return at his election, in any of her majesty's courts of record minister or Dublin, or in the court of Session in Scotland, and shall double the damages he shall sustain by reason thereof, together with the costs of suit, provided such action is commenced within one month after the commission of the act on which it is grounded, or within three months after the conclusion of any proceedings in the House of Commons relative to such election."

Sect. 99. "That this act shall commence and take effect from the first day of November next, and from time to time during this present session of parliament."

Sect. 100. "That if at the close of the present session of parliament there shall be any election petition or petitions before the

Commencement of act.

Provision for election petitions re-

Amendenda et Corrigenda.

or taking which into consideration shall not have been discharged, *Parliament* trying which no committee or committees shall have been appointed, such election petition or petitions shall, in case the sureties ^{7 & 8 Vict} thereto shall have been reported unobjectionable, be tried by a committee or committees to be chosen under the provisions of this act, all be referred to the general committee of elections before any presented in the next session, and the general committee shall, two days after their first meeting, appoint a day and hour for a committee to try every such petition; and the recognizances given in respect of such petitions shall be taken to remain in force for securing payment of all costs and expences which the petitioner shall be liable to pay under the provisions of this act: Provided that if the parliament shall be prorogued after the appointment of such committee for the trial of any such petition as aforesaid, and they shall have reported to the house their determination thereon, such committee shall not be dissolved by such prorogation, but shall be adjourned to twelve of the clock on the day immediately following on which parliament shall meet again for the despatch of business (Good Friday, and Christmas Day always excepted); and all proceedings of such committee, and of any commission to take evidence under the authority of such committee, shall remain and continue with the same force and effect as if parliament had not been so prorogued, and as if the act passed in the fifth year of her majesty, intituled 'An Act to amend the Law for the Trial of controverted Elections,' had ^{4 & 5 Vict} been in force; and such committee shall meet on the day and hour when it shall be so adjourned, and shall thenceforward continue to sit by day in the manner provided in the last-mentioned act, until they shall have reported to the house their determination on the merits of the petition; and all further proceedings shall be had, with reference to the petition, as if the said last-mentioned act had continued in force."

SCHEDULE to which the 7 & 8 Vict. c. 103, refers.

SCHEDULE (A.)

Form of Recognizance.

remembered, That on the day of in the year of our before me *A. B.* (examiner of recognizances for the House of [or one of her majesty's justices of the peace for the county of], came *C. D.* of, &c., *E. F.*, of, &c., *G. H.* of, &c., *I. K.* of, &c., and &c., and severally acknowledged themselves to owe to our sovereign queen the following sums; (that is to say,) the said *C. D.* the sum of thousand pounds, and the said *E. F.* the sum of pounds, [the said sum of pounds, the said *I. K.* the sum of pounds, said *L. M.* the sum of pounds,] to be levied on their respective ad chattels, lands and tenements, to the use of our said sovereign lady her heirs and successors.

Condition of this recognizance is, that if the said *C. D.* and *X. Y.*, (*the Petitioner, if any,*) or either of them, shall well and truly pay all costs and charges which any committee of the House of Commons selected to try the cause of the petition signed by the said *C. D.* and *X. Y.* (complaining of an election or return for the [*here state the place*]), [or (complaining that a writ has been made for the said within the time limited by act of Parliament), or (complaining that the return made for the said is not a writ of a member or members according to the requisition of the writ), or (mentioning of the special matters contained in any such return)] shall adjudge to be payable by the said *C. D.* and *X. Y.*, (*the other Petitioner, if any,*) or either of them, and shall also well and truly pay the costs and expences due and to be paid by the said *C. D.* and *X. Y.* (*the other Petitioner, if any,*) and each of them to any witness summoned in his or their behalf, or to the party who shall be in opposition to the said petition, in case the said *C. D.* and *X. Y.*, (*the Petitioner, if any*), shall be allowed to withdraw his or their said petition, this recognizance to be void, otherwise to be of full force and effect.

year aforesaid :—Held, that this averment of material because, consistently with this averment, it might have T. S. in some other matter, and not in the matter stated issue before him, to have put this question, and rec (R. v. Bartholomew, 1 Car. & K. 366.)

Players.

Players.

As to how far parties may be guilty of a conspiracy
(See *Gregory v. Duke of Brunswick*, 1 Car. & K. 24
title "Conspiracy.")

Polygamy.

Polygamy.

In a case of bigamy, it appeared that the prisoner had married him sixteen years, and it was proved by the second witness that he had known him for nine years living as a single man, and heard of the first wife, who it appeared had been living from where the prisoner resided :—Held, that, on the facts, the prisoner ought to be acquitted on the proviso contained in the section of the statute 9 Geo. IV. c. 31. (Reg. v. Jones)

Poor.

Poor.

(See also the Addenda to this title in Vol.

A RAILWAY company, established under the provisions of parliament, exercised the trade of carriers on their own lines and on other lines of railroad connected therewith, and made charges and freights paid for the conveyance of passengers and goods, as authorized by the acts of parliament, and exercising the trade of carriers along their own lines, the trade was exercised by such other parties, who practised independently of the company, with locomotive power, &c., and stations; they, like the company making pro-

privileges, i. e. upon the nett annual value of the railway; an estimate of the gross produce of the land, which the carriers, or which a lessee of the tolls, rates and duties, of was directed to be kept by the acts of parliament, would receive as lessee, howsoever or by whomsoever the carrying a railway was conducted:—Held, also, that the rateable occupation was properly calculated, by deducting from the of the company, first, a sum per cent., for interest of the y invested by them in moveable carrying stock; secondly, oits and risks; thirdly, for depreciation of stock; fourthly, spences; fifthly, for the rent of stations; sixthly, a mileage and reproducing. Held, also, that the question of amount ssions. Held, lastly, that no deduction ought to be made goodwill. (*Reg. v. Grand Junction Railway Co.*, 13 Law J. Cas. 95.)

d some land were demised to trustees for the reception and or of the parish of R., and there was a covenant by the s, occupy, possess, and enjoy the demised premises, for the tenance, and support of the poor of R. aforesaid, and not building or land, or employ the profit thereof to any other r purpose whatsoever." The lease contained a proviso for eld, that the removal of the paupers from the house de-union workhouse, under an order of the poor-law commis- letting of the land, which had been occupied and cultivated rs, at a rack rent, was not a breach of the covenants in n; and, secondly, that at all events, the removal of the ng been occasioned by compulsion of law, would work no Doe dem. *the Marquis of Anglesea v. the Churchwardens and the Poor of the Parish of Rugeley*, 13 Law J., N. S., Mag.

nce of a poor-rate by the justices, is purely a ministerial t be good on the face of it, they cannot inquire into its ere a poor-rate had been made by the two overseers of a there being also two churchwardens who had not been sworn agistrates had refused to allow it, as not being made by the ie parish officers, a *mandamus* to the justices to allow the ted. A rule for a *mandamus* to justices to allow a poor-rate n the first instance. (*Reg. v. Lord Godolphin*, 13 Law J., Cas. 57.)

aw amendment act, 4 & 5 Will. IV. c. 76, does not take ver of two justices to allow overseers' accounts under the III. c. 49. Therefore, where a sum had been disallowed at uid of the overseers' accounts, by an auditor appointed by commissioners, and subsequently introduced again into the l allowed by the justices in the annual account, with full disallowance by the auditor, the court refused a *mandamus* s to order the overseers to pay over the sum so disallowed r to their successors. (*Reg. v. the Justices of Staffordshire*, I. S., Mag. Cas. 81.)

usband and wife are living together, and become chargeable, ment of the husband can be ascertained, the wife cannot be he place of her maiden settlement, the husband alone con- e separation. Whether such a separation could be made, if d and wife consented, *quare*. The heading of an examina- he examination of J. M., of, &c., taken upon oath, at, &c., ., touching the place of his lawful settlement." The examin- owed an inquiry as to the place of settlement of J. M., and lement of his could be discovered. It then disclosed the ment of L. M., his wife:—Held, that the heading of the was sufficient on which to make an order to remove the wife husband) and their four children to the wife's maiden settle-

required to be in writing. "There, therefore, were writing, by one overseer only, but the order was made by the overseers," and it was also admitted, at the time, that the order had been made "on behalf of the parish officers, and the complaint was held sufficient. An examination by hiring and service, and also several instances of removal from the appellant parish to the pauper and his family, were given by the respondent parish. There were several grounds of removal; and amongst others, that the pauper never resided in the said parish of E., (the appellant parish) either with the said J. S. (the master) or by any other means. In the course of the appeal the respondents gave no evidence of removal; but proved the instances of relief set out in the record, that under the above ground of appeal they had liberty to show that they had given the relief under *The Inhabitants of Bedingham*, 13 Law J., N. S., Mag. Cas. 74.

The pauper, in her examination before the magistrate, said, "I have four children, all of whom are inhabitants of the parish of A., and said parish of A." The relieving officer stated, "I am the relieving officer of the Barnstaple Union, and administer the paupers of the said parish of A. The said A. F. has four children (naming them) are now chargeable to the parish of A." Held, that under the above ground of appeal there was no sufficient evidence of chargeability. (*Re Inhabitants of High Bickington*, 13 Law J., N. S., Mag. Cas. 74.)

Where the examinations do not disclose any evidence of removal, and the order of removal is on that ground quashed by the sessions, such order of sessions cannot be treated as a settlement of the pauper; and at a subsequent session which the former order was quashed may be shown that the chargeability is a question on the merits; i. e. on whether the pauper did or did not exist at the time of removal, and does not affect the question of the settlement. (*Reg. v. The Inhabitants of Perranporth*, N. S., Mag. Cas. 47.)

An examination, which shows that the pauper took a tenement at a rent exceeding 10*l.*, and resided in it for more than the term of his tenancy, "does not affect a settlement by renting a tenement. (*Reg. v. The Inhabitants of Perranporth*, N. S., Mag. Cas. 47.)

a examinations seat, under the provision of the Will, IV. c. 76, s. 79, must show on the face of him before two magistrates; and it is not sufficient to take the first examination (which sets out their names to the subsequent examination. (*Reg. Bipston-upon-Stour, 13 Law J., N. S., May. Cas.*

to an order of removal of a mother and her illegitimate child, adjudicates the settlement of both the mother and her parish. *Id.*

incorporated under 22 Geo. III. c. 28, the notice of by the guardian, and he must describe himself insufficient that he should describe himself as an *Justices of Yorkshire, (W.R.) in the matter of the Inhabitants of Hemley and the Inhabitants of Rothwell, 2 L. 39.*)

ad of appeal was signed by W. R., T. G., and for "archdeacons and overseers" of parish A., (which a,) and "T. E. guardian":—Held, that such signature not appearing that W. H. had given W. P. H. m.; and that the signature of the guardian did not lie under the poor-law amendment act not having a purpose. (*Reg. v. the Justices of Surrey; All. 13 Law J., N. S., May. Cas. 85.*)

Putting Stone, Game of.

Addenda to, title "Gaming," ante.

Gambling.

See Addenda to, title "Gaming," ante.

Racquets.

See Addenda to, title "Gaming," ante.

Railways.

the 7 & 8 Vict. c. 85, "An Act to attach certain Conditions to the 7 & 8 Vict. c. 85. portion of future Railways authorized or to be authorized by any the present or succeeding Sessions of Parliament; and for other in relation to Railways," [9th August, 1844,] reciting, that it is enacted that the concession of powers for the establishment of new railway should be subjected to such conditions as are hereinafter made for the benefit of the public: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, by the authority of the same, "That if at any time after the end of three years from and after the 1st day of January next after the passing of any act of the present or of any future session of parliament for the construction of any new line of passenger railway, whether such line be a trunk, branch, or junction line, and whether such new line be constructed by a new company incorporated for the purpose or by any per cent., the

If, after 21 years from the passing of the act for the construction of any future railway, the profits shall exceed 10% per cent., the

Railways.

7 & 8 Vict. c. 83.
treasury may re-
vise the scale of
tolls, and fix a
new scale.

Proviso.

Option of pur-
chase of future
railways.

Proviso.

Existing railways
not to be subject-
ed to the options.

Reservation to
parliament of the
consideration of
future policy in
regard to the said
options.

existing company, the clear annual profits divisible upon the said paid up capital stock of the said railway, upon the average of three then last preceding years, shall equal or exceed the rate of every 100*l.* of such paid up capital stock, it shall be lawful for commissioners of her majesty's treasury, subject to the provisions hereinafter contained, upon giving to the said company three calendar months' notice in writing of their intention so to do, to revise the scale of tolls, fares, and charges limited by the act or acts relating to the same, and to fix such new scale of tolls, fares, and charges, applicable to different classes and kinds of passengers, goods, and other traffic on the railway, as in the judgment of the said lords commissioners the same quantities and kinds of traffic to continue, shall reduce the said divisible profits to the said rate of 10*l.* in the first instance, provided always, that no such revised scale shall take effect, unless guaranteed by a guarantee to subsist as long as any such revised scale of tolls, fares, and charges shall be in force, that the said divisible profits of any deficiency therein, shall be annually made good to the amount of 10*l.* for every 100*l.* of such capital stock: provided also, that such scale shall not be again revised or such guarantee withdrawn than with the consent of the company, for the further period of one year."

Sect. 2. "That whatever may be the rate of divisible profits on such railway it shall be lawful for the said lords commissioners to think fit, subject to the provisions hereinafter contained, after the expiration of the said term of twenty-one years, to purchase such railway, with all its hereditaments, stock and appurtenances, name and on behalf of her majesty, upon giving to the said company three calendar months' notice in writing of their intention, an amount of a sum equal to twenty-five years' purchase of the divisible profits, estimated on the average of the three then last preceding years: Provided that if the average rate of profits for the said railway shall be less than the rate of 10*l.* in the 100*l.*, it shall be law for the company, if they shall be of opinion that the said rate of twenty-five years' purchase of the said average profits is an inadequate compensation for the purchase of such railway, reference being had to the prospect of the same, to require that it shall be left to arbitration, in case of difference between the parties, to determine what (if any) additional amount of purchase-money shall be paid to the said company: provided also, that such option of purchase shall not be exercised, except with the consent of the company, who shall be entitled to a revised scale of tolls, fares, and charges shall be in force."

Sect. 3 provides and enacts, "That the option of revision shall not be applied to any railway made or authorized to be made under any act previous to the present session; and that no branch line of less than five miles in length of any such line of railway shall be liable to be a new railway within the provisions of this act; and that the option of purchase shall not be exercised as regards any branch line or junction of any railway, without including such railway in the same: in case the proprietors thereof shall require that the same be included."

Sect. 4. "And whereas it is expedient that the policy of purchase should in no manner be prejudged by the provisions of this act, but should remain for the future consideration of the legislature, on the grounds of general and national policy: and whereas it is necessary by the provisions of this act that under the said powers of revision or purchase, the public resources should be employed to put the railway into competition against any independent company or companies, and that no such notice as hereinbefore mentioned, whether of revision or purchase, shall be given until provision shall have been made by parliament, by an act or acts to be passed in that behalf, for the payment of the guarantee or the levy of the purchase-money hereinbefore mentioned, as the case may be, and for determining, subject to the conditions

And whereas it is expedient to secure to the poorer class of Companies to means of travelling by railway at moderate fares, and in provide one cheap which they may be protected from the weather; be it enacted, ^{train each way}
^{dally.}

after the several days hereinafter specified all passenger rail-
es which shall have been incorporated by any act of the pre-
or which shall be hereafter incorporated, or which by any
sent or any future session have obtained or shall obtain,
directly, any extension or amendment of the powers con-
tm respectively by their previous acts, or have been or shall
l to do any act unauthorized by the provisions of such pre-
all, by means of one train at the least to travel along their
one end to the other of each trunk, branch, or junction line
or leased by them, so long as they shall continue to carry
ers over such trunk, branch, or junction line, once at the
y on every week day, except Christmas Day and Good Fri-
(exemption not to extend to Scotland), provide for the convey-
class passengers to and from the terminal and other ordi-
er stations of the railway, under the obligations contained in
acts of parliament, and with the immunities applicable by
t of passengers by railway; and also under the following
that is to say,) shall start at an hour to be from time to time fixed by the
, subject to the approval of the lords of the committee of
ncil for trade and plantations:
shall travel at an average rate of speed not less than twelve

Children under three years of age accompanying passenger train shall be taken without any charge, and children upwards, but under twelve years of age, at half the rate of an adult passenger:

And with respect to all railways subject to these obligations, which shall be open on or before the 1st day of November next, the same shall come into force on the said 1st day of November; and with respect to all other railways subject to these obligations, they shall come into force on the day of opening of the railway, or the day after the session in which the act shall be passed by reason of which the same will become subject thereto, which shall first happen.

Sect. 7. "That if any railway company shall refuse to comply with the provisions of this act as to the said cheap trains, within a reasonable time, or shall attempt to evade the operation of such company shall forfeit to her majesty a sum not exceeding £1000 per day during which such refusal, neglect, or evasion continues."

Sect. 8 provides and enacts, "That, except as to the rates of fare, or charge for each passenger by such cheap trains, which may exceed the rates hereinbefore in such case provided, the committee shall have a discretionary power, upon the application of any railway company, of dispensing with any of the conditions required in regard to the conveyance of passengers by such便宜 trains, as aforesaid, in consideration of such other arrangements as may be made by the lords of the said committee, covering from the weather, seats, or other particular circumstances, so as to render the conveyance of passengers by such便宜 trains under the circumstances mentioned, and shall be sanctioned by them accordingly; and no company which shall conform to such other conditions as may be aforesaid, and shall be sanctioned by the lords of the said committee shall not be liable for not observing the conditions which shall have been imposed by the lords of the said committee in regard to the safety of the passengers conveyed thereby."

Sect. 9. "That no tax shall be levied upon the receipt of any company from the conveyance of passengers at fares not exceeding £1 per mile by any such cheap train as aforesaid."

Sect. 10. "That whenever any railway company subject to the before mentioned obligation of running cheap trains shall commence the same on the days hereinbefore specified on which the said obligations shall commence, it shall be lawful for the lords of the said committee to require such company to run such便宜 trains on the days so specified, and to make such arrangements as may be necessary for the safety of the passengers conveyed thereby."

Penalty for non-compliance

Power of committee to dispense with rates of fare

When no tax to be levied

Where company runs trains on the days of cheap

to present or any future session, or which by any act of the pre-
sent or any future session shall have obtained or shall obtain any exten-
sion or amendment of the powers conferred by their previous acts or any
, or have been or shall be authorized to do any act unauthorised
provisions of such previous acts, shall be bound to provide such
means as aforesaid for the said military, marine, and police forces, at
an exceeding 2d. per mile for each commissioned officer proceeding
such officer being entitled to conveyance in a first class carriage,
exceeding 1d. per mile for each soldier, marine, or private
militia or police force, and also for each wife, widow, or child
under twelve years of age of a soldier entitled by act of parliament or by
any authority to be sent to their destination at the public expence,
under three years of age so entitled being taken free of charge,
children of three years of age or upwards, but under twelve years of
age so entitled, being taken at half the price of an adult; and such sol-
diers, marines, privates of the militia or police force, and their wives,
and children so entitled, being conveyed in carriages which shall
be fitted with seats, with sufficient space for the reasonable accommo-
dation of the persons conveyed, and which shall be protected against
the weather; provided that every officer conveyed shall be entitled to take
a one hundred weight of personal luggage without extra charge,
every soldier, marine, private, wife, or widow shall be entitled to take
a or her half a hundred weight of personal luggage without extra
charge all excess of the above weights of personal luggage being paid

Electrical telegraph established by private parties to be open to the public.

Appointment of Inspectors by board of trade.
3 & 4 Vict. c. 97.

upon such lands adjoining the line of such railway telegraph for her majesty's service, and to give to a reasonable facility for laying down the same, and for the purpose of receiving and sending messages on her subject to such reasonable remuneration to the company upon between the company and the lords of the said case of disagreement as may be settled by arbitration : that, subject to a prior right of use thereof for the majesty, such telegraph may be used by the company for the railway, upon such terms as may be agreed upon or, in the event of difference, as may be settled by ar

Sect. 14. "That where a line of electrical telegraph established upon any railway by the company to which belongs, or by any company, partnership, person or than exclusively for her majesty's service, or exclusive of the railway or jointly for both, the use of such elect the purpose of receiving and sending messages, shall, right of use thereof for the service of her majesty and the company, and subject also to such equal charges as able regulations as may be from time to time made by company, be open for the sending and receiving of persons alike, without favour or preference."

Sect. 15. "And whereas by an act passed in the reign of her majesty, intituled 'An Act to regulate Railways', given to the lords of the said committee to appoint any persons to inspect any railway, and the stations, works and the engines and carriages belonging thereto ; and the provisions of this act into execution it is expedient to be extended ; be it enacted, That the said power given to the said committee of appointing proper persons to inspect any railway, and the stations, works and the engines and carriages belonging thereto, shall extend to authorize the appointment by the lords of the said committee of any proper person or persons, for such purposes as may be authorized, and also for the purposes of carrying into execution the provisions of this act, and of any general act relating to railways into execution ; and much of the last-recited act as provides that no person shall be appointed as inspector who shall, within one year,

with the provisions of the act or acts relating thereto or of
any general acts relating to railways, proceed by informa-
tion, bill, plaint, suit at law or in equity, or other legal pro-
(as the case may require), to recover such penalties and forfeitures,
use to enforce the due performance of the said provisions, by
as any person aggrieved by such non-compliance, or other-
orized to sue for such penalties, might employ under the provi-
be said acts; and in case the default of the railway company
ist in the commission of some act or acts unauthorized by law,
aid attorney general or lord advocate, upon receiving such cer-
aforsaid, shall proceed by suit in equity, or such other legal
g as the nature of the case may require, to obtain an injunction
which the judge in equity or other judge to whom the applica-
de shall be authorized and required to grant, if he shall be of
at the act or acts of the railway company complained of is or
uthorized by law,) to restrain the company from acting in such
manner, or to give such other relief as the nature of the case may

, provides and enacts, "That no such certificate as aforesaid Notice to be given
iven by the lords of the said committee until twenty-one days to the company
shall have given notice to the company against or in relation to
y shall intend to give such certificate of their intention to give
ificate; and that no legal proceedings shall be commenced under Prosecutions to be
tary of the lords of the said committee against any railway com- under the sanc-
pany offence against any of the several acts relating to railways tions of the board
, or any general act relating to railways, except upon such cer- of trade, and with-
in one year after the offence.

Loan notes al-
ready issued may
be renewed.

Loan notes al-
ready issued to be
paid when due.

Register of loan
notes.

Remedy for re-
covery of tithe rent
charged on rail-
way land.

after the passing of this act any railway company issuing
other negotiable or assignable instrument purporting
pany as a legal security for money advanced to the sa
otherwise than under the provisions of some act or
authorizing the said railway company to raise such
such security, shall for every such offence forfeit to
equal to the sum for which such loan note or other i
to be such security : Provided always, that any comp
such loan note or other instrument issued by them p
of this act for any period or periods not exceeding
passing of this act."

Sect. 20. "That where any railway company, before
July, 1844, shall have issued or contracted to issue a
or other unauthorized instruments, the company may
such loan notes or other instruments as the same may
hereinbefore provided ; and until the same shall be
loan notes or other instruments shall entitle the holder
payment by the company of the principal sum and interest
to be paid."

Sect. 21. "That a register of all such loan notes o
shall be kept by the secretary ; and such register sha
fee or reward, at all reasonable times, to the inspec
holder or auditor of the undertaking, and of every pers
such loan note or other instrument, desirous of inspec

Sect. 22. "And whereas the remedies now in force
tithe commutation rent-charges are in many instances
parts thereof as are charged upon lands taken for the
way, and it is therefore expedient to extend the same
said rent-charges may have been duly apportioned ;
in all cases in which any such rent-charge, or part
has been or hereafter shall be duly apportioned under
the acts for the commutation of tithes in England and
taken or purchased by any railway company for the
company, or upon any part of such lands, it shall
person entitled to the said rent-charge or parts of s
case the same has been or shall be in arrear and unpaid
twenty-one days next after any half-yearly day fixed
thereof. to distrain for all arrears of the said rent-cha

Regattas.

See Addenda to, title "Gaming," ante.

Registers.

CERTIFIED copy of the entry of the death of A. in the books of a student registrar, with the usual affidavit of identity, not sufficient notice of the death of A. on a petition for the payment to the administrator of A. of a sum found due to A. (*Leach v. Leach, K. Bruce, Vice-Chancellor's Court*; 13 Law J., N. S., 128.)

Rescue and Bound Breach.

In the recent statute 6 & 7 Vict. c. 30, title "Distress for Rent," II, p. 312.

to rescuing goods taken in execution in process from inferior courts, see 7th Vict. c. 19, s. 7. (*Ante, Addenda to "Inferior Courts."*)

Rowing Matches.

See Addenda to, title "Gaming," ante.

Sailing Matches.

See Addenda to, title "Gaming," ante.

Sea.

SEE the 7 Vict. c. 2, "An Act for the more speedy Trial on the High Seas." (*Ante, Addenda, title "Admiralty."*)

Servants.

A DESIGNER who invents and draws patterns, to be afterwards on rollers, to be used in calico-printing, is liable under 4 Geo. 3, for misconduct in the execution of his contract of service (*Ormerord, 13 Law J., N. S., Mag. Cas., 73.*)

The statute 4 Geo. IV. c. 34, s. 1, does not authorize me to punish misconduct on the part of a servant, which amounts (*Ex parte Jacklin, 13 Law J., N. S., Mag. Cas., 139.*)

A conviction and commitment under that statute stated that he had contracted to serve as a servant in husbandry, and that the service and employment he had been guilty of a misdemeanour in carriage, in that he had purloined a quantity of barley to give under his care, contrary to the express command of his master; the evidence stated in the conviction showed it to have been taken by means of a skeleton key:—Held, that in the first place it was shown to be misconduct or misdemeanour in the execution of his contract of service, that contract not being particularly set forth; and that, at all events, it was a felony over which the magistrate has jurisdiction. (*Id.*)

Sessions.

THE court of quarter sessions, on appeal, quashed an order generally, without going into the evidence, on the ground that the examinations, accompanying the order, were defective and insufficient. The reason of an omission, which the sessions judged material, was that the defect and omission had been specifically pointed out in the grounds of appeal. Another order of removal of the pauper respondent to the appellant parish, was then made, and the respondents appealed against, on the ground that the former judgment of the sessions was conclusive as to the settlement. At the trial of the session, the respondents tendered evidence to show that the first judgment was quashed on a preliminary objection to the sufficiency of the evidence, and that the merits were not gone into. The court of quarter sessions held, that the former judgment was conclusive, and refused to admit the evidence, and quashed the order:—Held, that the sessions were not entitled to decide the question of the sufficiency of the evidence, and that it was necessary to consider whether their decision on the first question was right or not. (*Reg. v. The Inhabitants of Charlbury and Weston, 13 Law J., N. S., Mag. Cas., 19.*)

one of them, and they are hereby authorized and empowered, from time, by any order in writing under their hands, to order and that any privileged or other place, whether extra-parochial or not, not being itself an entire parish, shall, for the purposes of assessing, rating, collecting, and levying the said duties respectively, and for all the purposes of the several acts aforesaid, be deemed to be within part of such district or division, and within or part of such parish, tithing, ward, or place respectively, as shall appear to the said commissioners to be most convenient and proper for the purposes aforesaid, thereupon such privileged or other place shall be deemed to be a or part of such district or division, and within or part of such tithing, ward, or place, according to such order, for all the uses aforesaid; and the said respective duties shall be assessed, paid, raised, collected, and levied within such privileged or other place, upon the occupiers or inhabitants thereof, by or under the authority of commissioners appointed or authorized to put in execution the said collective acts in the district or division, and by the assessors, collectors, other officers appointed for the parish, tithing, ward, or place within part of which such privileged or other place shall be by any such order aforesaid declared or directed to be deemed to be, any law, statute, or to the contrary notwithstanding: Provided always, that it shall be lawful for the said commissioners of stamps and taxes, or any two of them, to revoke any such order, and to substitute any other order in lieu thereof, from time to time as often as it shall appear to the said com-

surveyor or two men chosen whom carry the particular
sentiment to the commissioners acting in the execu
respectively for the district, and parish, tithing, ward
part of which such privileged or other place shall
be declared or deemed to be ; and where at the time of the
order as aforesaid no assessment of the said respec
been made for such privileged or other place as a
occupier or inhabitants thereof, in or for the said
shall be any omission of any person, article, matter
any such assessment as last aforesaid which shall have
insufficient rate or amount of duty charged thereby,
the surveyor of the said duties to certify in like man
missioners the particulars of any assessment which
upon any occupier or inhabitant of such privileged or
any increased rate or amount of duty which ought
any such occupier or inhabitant ; and in any of the
said the said commissioners shall cause the partic
them as aforesaid to be inserted or included in or add
of the like duties made or to be made for the said
parish, tithing, ward, or place within or part of which
other place shall be by such order as aforesaid declare
and shall cause the duties to be assessed and charg
spect thereof according to such certificate, and there
shall be deemed to be part of the last-mentioned asses
and purposes whatsoever, and shall be collected, receive
for, and paid over by the collectors or other persons
appointed or authorized to collect, receive, or levy the
the said assessment, without any further or other war
behalf : Provided always, that every such assessment
made in pursuance of such certificate of the surveyor
subject to an appeal by the party charged with or lie
of the said duties, upon his giving notice in writing
his intention to appeal against such assessment or chal
after the particulars thereof shall have been notified
every such appeal shall be heard and determined by
commissioners within their district at such times as
appoint for that purpose, of which due notice shall be
assessed or charged as aforesaid."

appointed and prescribed an appropriate time for the execution of such act or acts, and it is expedient to enact, That where in any case the neglect or omission, or shall hereafter, or to appoint any officer, or to do any thing, in the execution of the said act or acts in that behalf, the holden of such officer, and the person or thing as aforesaid at any other time by such neglect or omission, be and remain good, valid, and effectual to all respectively had been held, made, time and according to the manner and or prescribed as aforesaid, any contrary thereof notwithstanding."

It relating to the said duties respecting the execution thereof are required to be done at each parish, ward, or place, half think most convenient, to be in each parish, ward, or place, requiring them to be at such place and at such time.

Such of the said inhabitants as the commissioners may be appointed assessors of the same, if it so happens that the persons wilfully disobey the same, whereby they are impeded; be it therefore enacted, except as aforesaid shall be directed and before the said respective commissioners appear to effect thereof, or, having appeared, an assessor of the said duties or of another and form by the statute in such manner so offending in any such case as by such offence the sum of 10*l.* to be paid as any penalty incurred under the said and applied."

i. III. c. 32, and 49 Geo. III. c. 110, Recital of 49 Geo. III. c. 32, and c. 110, respectively specified and contained in the same session of parliament, to be granted and made payable:

And whereas it is expedient to have commissioners to execute the said acts; and therefore enacted, That where in the appointment of commissioners, whether the same shall proceed by one person or persons to make such omission of any person or persons as commissioners, or from any other commissioners of her majesty's treasury, ne to time, by writing under their hands, setting in execution the said recited acts, in the reign of king George the Third, contained in relation to the said 6*d.*, in the several departments or and such commissioners so to be empowered and required to do all and every act in execution with relation to the like and in as full and ample

power as any commissioners appointed or authorized by or under the

same.

^{7 & 8 Vict. c. 42.}

Penalty on persons refusing to appear before the commissioners to be appointed assessors, or submit to be appointed, to be appointed.

Commissioners of the treasury empowered to appoint commissioners for executing the recited acts, with relation to the said duties.

Trial.

If an indictment for perjury be removed by cert of the defendant, and be entered for trial on the assizes by the defendant, the judge will not stop the trial on a motion on the part of the prosecution, on the ground that the prosecutor has not had sufficient notice of trial; but, if he is acquitted, no one appearing for the prosecution, it will be held that proper notice of trial had not been given. (*R. v. H...*)

Vagrants.

By the 7 & 8 Vict. c. 101, s. 6, the mother of a child may be sent to prison for the neglect or desertion of it under the vagrant *denda* "Bastards.")

By sect. 53, "That if any person received into any such asylum wilfully give a false name, or make a false statement, or have given two or more different names on two or more occasions, when so received into any such asylum, such person shall be deemed a rogue and vagabond within the 5 Geo. IV. denda to, title "Poor," Vol. IV.)

By sect. 55, "If any poor person return and become a vagrant after removal from any parish asylum of any district after removal from any parish, he shall be deemed to have returned and become chargeable to the parish whence he has been legally removed, and shall be sent to the two justices of the peace, within the meaning of the

Whipping.

By the 7 & 8 Vict. c. 62, s. 3, title "Burning," any person under eighteen may be whipped for the offence of an

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